

**Ministry of Finance and Planning
Republic of South Sudan**

Resettlement Policy Framework (RPF)

**South Sudan Enhancing Community Resilience and
Local Governance Project II (ECRP-II) (P177093)**

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Acronyms and Abbreviations

Table 1 Acronyms and Abbreviation

CDD	Community-Driven Development
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CERC	Contingency Emergency Response Component
CESMP	Contractor’s Environmental and Social Management Plan
CSO	Civil Society Organization
BDC	Boma Development Council
EHS	Environment, Health and Safety
EHSG	Environmental Health and Safety Guidelines
EIA	Environmental Impact Assessment
E&S	Environmental & Social
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
C-ESMP	Construction Environmental and Social Management Plan
ESCP	South Sudan Enhancing Community Resilience and Local Governance Project
ESF	Environmental and Social Framework
ESIA	Environment and Social Impact Assessment
ESS	Environmental and Social Standards
FPIC	Free, Prior and Informed Consent
GBV	Gender-Based Violence
GoSS	Government of South Sudan
GRM	Grievance Redress Mechanism
GRS	Grievance Redress System
GRS	Grievance Redress Service
HSSE	Health, Safety, Social & Environmental
IDA	International Development Association
IDP	Internally Displaced Person
IOM	International Organization for Migration
IP	Implementing Partner
IVA	Independent Verification Agent
LGB	Local Governance Board
LGSDP	Local Governance and Service Delivery Project
LMP	Labor Management Procedures
LRP	Livelihood Restoration Plan
M&E	Monitoring and Evaluation
MHADM	Ministry of Humanitarian Affairs and Disaster Management
MOE	Ministry of General Education and Instruction
MOFA	Ministry of Federal Affairs
MoGCSW	Ministry of Gender, Child, and Social Welfare
MoFP	National Technical Working Group
NGO	Non-Governmental Organization
NSC	National Steering Committee

NTWG	National Technical Working Group
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OHP	Occupational Health Safety Plan
OHS	Occupational Health and Safety
O&M	Operational & Maintenance
PAD	Project Appraisal Document
PAP	Project-Affected Person
PDC	Payam Development Council
PDO	Project Development Objective
PMU	Project Management Unit
POM	Project Operations Manual
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
RRC	Relief and Rehabilitation Commission
SEAH	Sexual Exploitation and Abuse and Harassment
SEP	Stakeholder Engagement Plan
SMP	Security Risk Management Plan
TPM	Third-Party Monitor
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNOPS	United Nations Office for Project Services
WB	World Bank

Glossary of Terms

Table 2 Glossary of Terms

Census	A complete and accurate count of the population that will be affected by land acquisition and related impacts. When properly conducted, the population census provides the basic information necessary for determining eligibility for compensation and for preparing and implementing RAPs.
Compensation	Payment in cash or in kind for an asset or a resource that is acquired or affected by a project at the time the asset needs to be replaced
Cut-off Date	The date the census and assets inventory of persons affected by the project begins. Persons encroaching on the project area or establishing new assets after the cut-off date are not eligible for compensation and/or any other type of resettlement assistance.
Displaced Persons	The people or entities directly affected by a project through the loss of land and the resulting loss of residences, other structures, businesses, or other assets.
Economic Displacement	loss of land, assets, or access to assets leading to loss of income sources or other means of livelihood
Eligibility	Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cutoff dates.
Grievance Redress Mechanism (GRM)	Complaints mechanism is a means through which PAPs and communities may raise their concerns or provide feedback to the Project when they believe the project has caused or may cause them harm. The GRM ensures that complaints are being promptly received, assessed and resolved by those the responsible for the project.
Host Community	A host community is any community of people living in or around areas to which people physically displaced by a project will be resettled.
Household	A Household refers to a group of people who reside together and share in the functions of production and consumption. It is also the smallest unit of consumption, and sometimes production.
Household Head	For purposes of a census, the household head is considered to be that person among the household members who is acknowledged by other members of the household as the head and who is often the one who makes most decisions concerning the welfare of the members of the household.
Involuntary Resettlement	Involuntary resettlement refers to impacts from project-related land acquisition or restrictions on land use that may cause physical displacement, or both.
Involuntary	Actions that may be taken without the displaced person's informed consent or power of choice.
Land Acquisition	The process of acquiring land under the legally mandated procedures of eminent domain.
Livelihood Restoration	The measures required to ensure that PAPs have the resources to at least restore, if not improve, their livelihoods. It requires that people are given the means and assistance necessary for them to improve, or at least restore, their livelihood and living conditions to pre-project levels. Inventory of Losses means the pre-appraisal inventory of assets as a preliminary record of affected or lost assets.
Physical Displacement	relocation, loss of residential land, or loss of shelter

Project Affected Person (PAP)	PAPs are persons on whom the project has a direct economic and social impact. The impact may be caused by the involuntary taking of land resulting in; a) relocation or loss of shelter; b) loss of assets or access to assets; c) loss of income sources or means of livelihood whether or not the person should move to another location; or d) by the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.
Replacement Cost	Method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement.
Resettlement	Resettlement covers all direct economic and social losses resulting from land taking and restriction of access, together with the consequent compensatory and remedial measures.
Resettlement Action Plan	A resettlement action plan (RAP) is the planning document that describes what will be done to address the direct social and economic impacts associated with involuntary taking of land
Resettlement Entitlements	Resettlement entitlements with respect to a particular eligibility category are the sum total of compensation and other forms of assistance provided to displaced persons in the respective eligibility category.
Voluntary Land Donation	The ceding of a property by an owner who is: (a) appropriately informed; and (b) can exercise free will, that is, can refuse to donate

Executive Summary

Project Description

The South Sudan Enhancing Community Resilience and Local Governance Project II (ECRP-II) fills the critical gap between emergency response and recovery by addressing immediate service needs in areas with a high concentration of returnees while also strengthening local institutions to better manage their own development in the future. The proposed project aims to address immediate needs for basic services in selected areas of the country, while also strengthening local institutions' capacity to better manage inter-communal tensions and resources. To ensure flexibility and adaptability to accommodate changing population dynamics and fluctuations in the status of the local government and conflict dynamics, block grants will be allocated on a yearly basis and activities will be implemented in a phased manner. The project will finance the activities described below with a preliminary budget estimate of US\$40 million. A project period of 60 months is proposed.

The project succeeded the Enhancing Community Resilience and Local Governance project – I (ECRP-I), which was implemented for 36 months with an amount of US\$65 million. While the ECRP-I was implemented and managed directly by the United Nations Office for Project Services (UNOPS), the Government of South Sudan is the borrower in the case of the ECRP-II. The Government manages and implements the project through the Ministry of Finance and Planning, with implementation assistance from the International Organization of Migration (IOM).

The World Bank and the Government are currently planning to implement Additional Financing (AF) for the Project. The proposed ECRP-II AF entails two key changes: to restructure the project by providing additional resources to the counties targeted under the ECRP-II to support the rehabilitation of damaged community infrastructure and capacity building for emergency preparedness and response (EP&R), and adding a new component for rehabilitation of damaged infrastructure and EP&R capacity building in flood affected areas not covered by ECRP-II.

The Project Development Objective (PDO) is to improve access to basic services and strengthen the service delivery capacity of local institutions. The project will now have the following five components.

Component 1. Community Infrastructure and Services

Component 2. Institution Strengthening

Component 3: Emergency Flood Response

Component 4: Project Management and Learning

Component 5: Contingent Emergency Response

The Project Management Unit (PMU) at the Ministry of Finance and Planning will continue to implement the Project with representation of Local Government Board (LGB) civil servants. Under the ECRP-II the Government PMU contracted a specialized UN agency through an output agreement as technical lead partner to implement the project activities given their capacity constraints. The project had built in necessary measures to establish/restore the Government's project implementation capacity. The project

also builds in various capacity-building measures for county governments that have the legal mandate to provide local services under Component 2. The PMU engaged the International Organization of Migration (IOM) to implement activities for Component 1 and 2. The additional activities of the AF, under Component 3, will be implemented through two selected NGOs, which are not yet decided on.

The key objectives of this RPF relate to the construction of community-level infrastructure and services as well as physical investments for flood risk reduction under Component 1 (including rehabilitation of public goods such as water supply and sanitation facilities, footpaths and community roads, dykes and flood protection, and health and education facilities), and the rehabilitation of flood-damaged infrastructure under the newly created Component 3. For community-level infrastructure and services, sub-projects that require involuntary resettlement are excluded from financing. In this case, only the Voluntary Land Donation measures laid out in this document apply. For the flood risk reduction sub-projects under Component 1 and activities under Component 3 involuntary resettlement risks are regulated through this RPF. The objectives of this RPF are to establish resettlement principles and organizational arrangements to be applied under ECRP-II AF Component 1 and Component 3 sub-project activities (except for community-level infrastructure and services); provide guidelines for the development of appropriate mitigation and compensation measures for the impacts resulting from proposed ECRP component 1 activities; provide guidelines for the preparation of Resettlement Action Plans (RAPs) or Livelihood Restoration Plans (LRPs) for the relevant Component 1 and Component 3 activities that require land acquisition/permanent transfer of land or result in access restrictions or any impact on assets; and outline procedures for Voluntary Land Donation (VLD) where private land owners are willing to donate land for activities.

Legal Context

The goal of this RPF is to ensure that relevant World Bank Environmental and Social Standards (ESS) and the laws of the Republic of South Sudan are adhered to. Specifically, the RPF ensures that WB ESS5 provisions and principles are embedded in project design and implementation. Where there are gaps between the ESS and the national laws, the provisions in the ESS are implemented.

Potential Displacement Impacts

Key risks and impacts are related to activities under Component 1 and Component 3, as community infrastructure construction and rehabilitation may require land acquisition, could cause loss of assets, create economic displacement or block access to services or private land and property. To allow for the mitigation of these risks, this Resettlement Policy Framework (RPF) was prepared in addition to the Environmental and Social Management Framework (ESMF)¹.

Stakeholder Engagement

¹ Enhancing Community Resilience and Local Governance Project (ECRP) II – Additional Financing, Environmental and Social Management Framework, amended August 2023

Initial stakeholder consultations were conducted for the preparation of ECRP-I. IOM conducted consultations in three different areas in October and November 2019: Wau, Bor and Rubkona, and UNOPS conducted consultations in Juba, Wau, Tonj State and Kapoeta State. In particular, local authorities, community leaders and members and members of vulnerable groups (such as IDPs, women, youth, etc..) were consulted. For the ECRP-II, IOM, with assistance from UNHCR and in coordination with the Government, undertook consultations with refugees and host communities in Maban County (Upper Nile State) and Jamjang (Parian County) in November 2021. Consultations included members of the refugee community and host communities, as well as NGOs and CSOs present in the area.

Activity Screening and Preparation and Approval of Additional Instruments

An Environmental & Social (E&S) screening process for all ECRP activities is laid out in the ESMF. This initial E&S screening process identifies potential land acquisition, restrictions on land use and involuntary resettlement issues associated with a specific activity. In such cases, mitigation measures have to be considered and implemented in a sustainable manner and in compliance with the requirements of GoSS legislation and the World Bank ESS5.

Once the specific sites for sub project activities are defined and the E&S screening has indicated potential land acquisition, restrictions on land use and involuntary resettlement risks and impacts, this RPF will guide the preparation of specific plans: RAPs or LRPs. The selection of the type of plan will be proportionate to potential risks and impacts of the activity. This RPF therefore establishes the policy principles and guidelines for the preparation of these plans in compliance with ESS 5. In the case of physical displacement, a Resettlement Action Plan (RAP) will be prepared for the activity. A Livelihood Restoration Plan (LRP) will be prepared if the activity only leads to economic displacement. Both types of plans will identify, document and mitigate impacts resulting from land acquisition, restrictions on land use and involuntary resettlement in accordance with ESS5.

IOM, jointly with the local authority, submits the draft RAP and/or LRP to the PMU for review. When the PMU deems the plans satisfactory, it submits them to the World Bank for approval. The plans must be approved by the World Bank and implemented prior to any resettlement and land acquisition for the activity. Similarly, voluntary land donation processes must be concluded prior to implementation.

Grievance Redress Mechanism

The Project GRM should facilitate the project to respond to concerns and grievances of stakeholders. The ECRP-II provides mechanisms to receive and facilitate resolutions to such concerns. In general, the project team received feedback and complaints consistently from the different locations. The set-up of helpdesks after/during conducting community engagement activities proved very effective in gathering community feedback.

The GRM aims to address concerns effectively and in a timely and transparent manner. It is readily accessible for all stakeholders and does not prevent access to judicial and administrative remedies. It is designed in a culturally appropriate way and is able to respond to all the needs and concerns of stakeholders.

Budget for Implementation of RPF

The costs for the implementation of the RPF are estimated based on current market values, taking into account the likelihood that the activities will be implemented over the next two years. Total costs are US\$2,920,000 million, including preparation and Implementation of RAPs and LRPs (including awareness raising on GRM, community capacity building to monitor and report on progress and issues). Out of the total amount, the Project will cover approximately US\$ 1,220,000, while the remainder will be covered by the local authorities mainly to implement the RAPs/LRPs and pay compensation. This issue has been discussed with the government delegation during negotiation and the government delegation agreed to pay compensation for the land acquisition and related impacts as part of the counterpart fund.

1. Introduction

1.1 Background

The cumulative effects of years of violent conflict, climate-related disasters, and economic crises have taken a significant toll. About 2.3 million people have fled to neighboring countries in search of safety while 1.7 million continue to be displaced within South Sudan.¹⁷ A quarter of all Internally Displaced Persons (IDPs) are concentrated in five counties: Rubkona, Juba, Tonj North, Tonj South and Yei.¹⁸ About 7.2 million people (60 percent of the population) are in 'Crisis' (IPC²⁰ Phase 3) or worse acute food insecurity.²¹ These populations are among the least resilient and are the most vulnerable to climate shocks, compounding the twin shocks of conflict and natural disasters and climate. As evidenced during the 2020 seasonal floods, those forcibly displaced by conflict often also experience secondary, disaster-induced displacement. With 21 percent of the total population exposed to 1/100-year flood events, South Sudan is among the top ten most flood-exposed countries globally. The poor are disproportionately vulnerable to flooding as their houses and huts are often constructed with methods and materials which will not withstand longer periods of inundation.

The South Sudan Enhancing Community Resilience and Local Governance Project II (ESCP-II) fills the critical gap between emergency response and recovery by addressing immediate service needs in areas with a high concentration of returnees while also strengthening local institutions to better manage their own development in the future. The proposed project aims to address immediate needs for basic services in selected areas of the country, while also strengthening local institutions' capacity to better manage inter-communal tensions and resources. Priority is given to areas with a high concentration of returnees that are also likely to experience increased demands for services. To ensure flexibility and adaptability to accommodate changing population dynamics and fluctuations in the status of the local government and conflict dynamics, block grants are allocated on a yearly basis and activities are implemented in a phased manner. The Government of South Sudan is the borrower in the case of the ECRP-II. The Government manages and implements the project through the Ministry of Finance and Planning, with implementation assistance from the International Organization of Migration (IOM).

The proposed ECRP-II AF entails the following key changes: to scale-up investments for community infrastructure and services particularly in flood-affected counties, and institutional strengthening; and add a new component – Component 3: Emergency Flood Response for rehabilitation of damaged infrastructure and emergency preparedness and response (EP&R) capacity building in areas in Northern Bahr-el-Gazal (NBeG) and Warrap states, which were affected by the recent flooding but not covered under the parent project.

The project impact is expected to be overwhelmingly positive, however, in order to ensure that risks of negative environmental or social impacts emerging from the complexities of this project in South Sudan are addressed, an Environmental and Social Management Framework (ESMF) has been prepared and updated for this AF.

Potential land-related risks through sub-projects may lead to land acquisition and resettlement (as per ESS5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement). Key risks and impacts are related to activities under Component 1 and 3, as community infrastructure to be constructed or rehabilitated, may require land acquisition, physical displacement, could cause loss of assets, create economic displacement or block access to services or private land and property. In addition, refugees have

been given land for farming adjacent to the refugee camps. Furthermore, there is a risk that project activities under Component 1 and 3 are implemented on land that was previously vacated by its original inhabitants and has been occupied by other communities. Project activities on such land are included in the negative activities list. To allow for the mitigation of land-related risks, this Resettlement Policy Framework (RPF) was prepared, in addition to the ESMF. It has been amended to include risks and mitigation measures for the activities conducted under the AF.

1.2 Objectives of the RPF

The objectives of this RPF are to:

- Establish resettlement principles and organizational arrangements to be applied under ECRP-II AF Components 1 and 3 sub-project activities.
- Provide guidelines for development of appropriate mitigation and compensation measures for resettlement related impacts resulting from proposed Component 1 and 3 activities.
- Provide guidelines for the preparation of Resettlement Action Plans (RAPs) or Livelihood Restoration Plans (LRPs) for the Component 1 and 3 activities that require land acquisition/permanent transfer of land or result in access restrictions or any impact on assets.

This RPF covers the flood risk mitigation sub-projects to be constructed under Component 1 and infrastructure to be rehabilitated under Component 3. Upon identification and approval of the Component 1 and 3 activities requiring land acquisition, restrictions on land use or involuntary resettlement, RAPs or LRPs will be prepared for each activity, based on the guidelines and procedures provided in this RPF prior to the implementation of the respective project investments. This RPF is based on the Government of South Sudan (GOSS) legal framework on resettlement and compensation and the provisions of the World Bank ESS5 on land acquisition, restrictions on land use and involuntary resettlement.

This RPF will be implemented alongside the Project ESMF, the Stakeholder Engagement Plan (SEP)², and the Security Risk Assessment and Management Plan (SMP)³.

1.3 Guiding Principles on Resettlement Issues

An Environmental & Social (E&S) screening process for all ECRP activities or sub-projects is laid out in the ESMF. This initial E&S screening process will help identify potential land acquisition, restrictions on land use and involuntary resettlement issues and opportunities for voluntary land donations – and their potential magnitude - associated with a specific activity. In such cases, mitigation measures have to be considered and implemented in a sustainable manner and in compliance with the requirements of GoSS legislation and the World Bank ESS5.

² Enhancing Community Resilience and Local Governance Project (ECRP) II – Additional Financings, Stakeholder Engagement Plan, amended April 2023.

³ Enhancing Community Resilience and Local Governance Project (ECRP) II – Additional Financings, Security Risk Assessment and Management Plan (SMP), amended August 2023.

This RPF clarifies resettlement principles and organizational arrangements for subprojects. The objectives of the World Bank's Environmental and Social Standard 5 (ESS5) guiding this RPF include:

- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.
- To avoid forced eviction.
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost; and (b) assisting displaced persons in their efforts to improve, or at least restore their livelihoods and living standards in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate access to community services and facilities,
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

This RPF sets out resettlement and voluntary land donation procedures accepted by institutional stakeholders and provided with no objection by community stakeholders.

2. Project Description

2.1 Project Development Objective and Project Components

The Project Development Objective (PDO) is to improve access to basic services and strengthen the service delivery capacity of local institutions. The project has four components.

The project aims to address immediate needs for basic services in selected areas of the country, while strengthening local institutions' capacity to better manage its own development and intercommunal tensions over services. The project maximizes its impacts and sustainability through a strong focus on operation and maintenance (O&M) of the infrastructure built along with local institution strengthening. Priority is given to areas with high vulnerability as defined by the World Bank's composite vulnerability index. To ensure flexibility and adaptability to accommodate changing population dynamics and fluctuations in the status of the local government and conflict dynamics, subproject allocation is made on a yearly basis and activities will be implemented in a phased manner.

The original four components are:

Component 1: Infrastructure and Services for Community Resilience supporting the eligible investments in community-level infrastructure and services as well as physical investments for flood risk reduction.

Component 2: Institution Strengthening supports the participatory planning processes for the identification of subprojects to be financed under Component 1, monitoring of the construction of subprojects, and capacity building of relevant national and sub-national institutions.

Component 3: Project Management and Learning providing the overall project management support, including fiduciary management, monitoring and evaluation (M&E), grievance redress mechanism (GRM), third-party monitoring (TPM), and environment and social (E&S) risk management among others.

Component 4: Contingent Emergency Response allowing for rapid reallocation of uncommitted project funds in the event of a natural or man-made crisis in the future, during the implementation of the project, to address eligible emergency needs under the conditions established in its Operations Manual.

The ECRP-II AF will have five Components, with one new component added (Component 3):

Component 1: Infrastructure and Services for Community Resilience. Budget allocation for Component 1 will be increased from to scale up the investments in community-level infrastructure and services in the more flood-affected counties among the twelve ECRP-II target counties. The AF proposes to prioritize counties that have over 10 percent of the county population that is exposed to floods.

Component 2: Institution Strengthening. Budget allocation for Component 2 will be increased to provide capacity building on emergency preparedness and response (EP&R) to the communities in flood-affected counties among the twelve ECRP-II counties. The training will help communities better prepare for, manage and respond to recurrent flooding. The training will focus on the local (payam and boma) and the county level, to maximize the utility for flood-affected communities. Activities under this component will continue to be implemented by IOM.

Component 3: Emergency Flood Response. A new component will be added to provide emergency flood response activities in the most heavily affected counties in Northern Bar el Ghazal (NBeG) and Warrap. The component will support rehabilitation of damaged community infrastructure and services or construction of new infrastructure to reduce flood risks. These are likely to include water supply and sanitation facilities, footpaths and community roads, dykes for flood protection, and health and education facilities, among others. To inject much-needed cash into the flood-affected communities, the community infrastructure will be built to the extent possible in a labor-intensive manner. The physical investments will be coupled with a quick consultative process to identify and validate community priorities, as well as the EP&R training. The community mobilization and engagement process will be more focused and limited compared to the other 12 counties targeted under the parent project considering the emergency. Should there be any pre-existing community institutions, their representativeness and inclusiveness will be assessed, and if found adequate, those institutions will be utilized. Should they not be adequate, or should no viable community institutions exist, communities will be mobilized into Boma Development Committees (BDCs) with the same representation as the other ECRP-II counties. Unlike the more comprehensive capacity-building and training of BDCs undertaken in the parent project, these BDCs will receive focused support for the identification, prioritization, and maintenance of flood response services and infrastructure.

While the activities under Component 3 are relatively similar to those under Components 1 and 2, activities under this component will be implemented much more quickly with less time allocated for community institution strengthening given the nature of the current emergency. Further, this component will have a different implementation arrangement where activities will be implemented by NGOs with a

pre-existing geographic footprint and technical expertise in the two target states of NBeG and Warrap.

Component 4: Project Management and Learning. To cover the Government's increased project management costs due to emergency flood response, the budget allocation will be increased.

Component 5: Contingent Emergency Response. The Contingent Emergency Response Component (CERC) will now be Component 5.

2.2. Social Baseline

In regards to the socio-economic context of the potential target counties, they consist of a broad variety of ethno-linguistic groups. Those entail three sub categories of speakers of the Nilo-Saharan language family:

- a) speakers of *West Nilotic* languages (Dinka, Nuer, Atuot);
- b) speakers of *Western Nilotic / Luo* languages (Shilluk, Anuak, Maban in Upper Nile and Ethiopian borderlands; Acholi in Eastern Equatoria; and Jur-Luo in Western Bahr el-Ghazal);
- c) and speakers of *Eastern Nilotic* languages (Eastern and Central Equatoria: Bari, Lotuho and Teso).

Furthermore, there are speakers of the *Niger-Congo* language family, including the Zande in Western Equatoria.⁴

The Nilotic Dinka, Nuer and Atuot are mainly pastoralists, and their search for pasture shapes most of their socio-cultural life. They may migrate from homesteads on high grounds in the wet season to mobile cattle camps on the dried-out swamps in the dry season. Closely linked to this lifestyle is a social structure, which gives preference to an 'acephalous' ('headless') socio-political organization rather than a central authority. Similarly, systems of exchange are based on social connections established through marriage rather than open markets.⁵

Farming communities, on the other hand, present a settled lifestyle. This usually goes along with central authority and/or hierarchical leadership structure, such as kingdoms or provincial chiefs (the latter were often instated by foreign rulers). For example, early accounts of the Zande kingdom around Yambio showed state-like elements, such as tribute paying, taxation or the death penalty. Both, the Shilluk and Anuak (Luo speakers) had systems of sacral kingship, which differed from the secular authoritarianism of the Zande state.

In many cases 'traditional' authorities were invented or established by outsiders in order to act as intermediaries for taxation, labor mobilization, and other forms of coercion. This was especially instrumental vis-à-vis the acephalous societies, as they were otherwise difficult to engage with or to rule over. Alongside these instated authorities existed other and older forms of authorities, which were based on local concepts of origin, power and authority.⁶ Many of the different forms of social structures in South Sudan are therefore based on the kinship concepts of a 'segment' or a lineage. Wealth is still a major

⁴ Joseph H. Greenberg (ed), *Universals of Human Language*, Cambridge Mass. MIT Press, 1963

⁵ Naomi Pendle, Marco Pfister, Martina Satschi, Mareike Schomerus, Danielle Stein, Eddie Thomas, Craig Valters, *Local Socio-Political Organization and Implications for Community-Driven Development in South Sudan An Analysis of Existing Literature*, prepared for the World Bank, unpublished, 2012, p. 14.

⁶ Pendle et al, 2012, p. 15.

marker in the social strata and the size of cattle herds – among the pastoralist societies - is a significant indicator for wealth.

Sub-Saharan African Historically Underserved Traditional Local Communities (SSAHUTC): Most of the communities meet the criteria of SSAHUTC, as they have distinct identities and aspirations and are often disadvantaged by traditional models of development.

Regarding land, there are multiple customary tenure systems as well as formal legislation regulating access and ownership to land. The Land Act of 2009 lists customary tenure as a legal form of land tenure. It allows communities to register their collective interests in the land.

The situation has been under duress through the militarization of South Sudan, the returning diaspora, frequent land grabbing and the drawing of administrative boundaries. For Community Driven Development (CDD), it is key to be aware of the various interests in land in the different counties, and the legitimate rights of the communities over the land.

A distinct set of land issues stems from returnees, who return to find their land occupied. Disputes can further arise from double selling of land, illegal occupation, military land-grabs, unauthorized building, and attempts to reclaim land without documentation.⁷

The Comprehensive Peace Agreement (CPA) has further changed dynamics around land by bringing about incentives for communities to claim their own administrative units/land rather than encouraging them to share resources with neighboring communities. The emergence of the state and a Land Commission has motivated communities to secure their territorial claims.⁸

2.3 Project Affected People

Given the communal nature of most land in South Sudan, it is not expected that a significant number of cases of land acquisition for the ECRP-II AF needs to be administered for privately owned land. It is expected that most community infrastructure construction and rehabilitation as well as construction of flood risk mitigation infrastructure is implemented on communal land, with decisions by the communities and local authorities to provide the land for the initiatives. However, given past experiences, in which only a few individuals hand out land on behalf of the community, a well-organized consent of the broad community will be crucial.

However, it is also possible that in some cases private land is required for activities. Since the locations of activities are not yet defined, it is difficult to provide exact figures in regard to the affected PAPs. However, the PAPs can be categorized into three different categories:

1. *Affected individuals*: These are individuals that risk losing assets, investments, land and property and / or access to economic resources as a result of a project activity

⁷ Pendle et al 2012, p. 78.

⁸ Pendle et al 2012, p. 39.

2. *Project-affected households*: These are groups of PAPs, usually a household, that is directly affected by the risk of losing assets, investments, land and property and / or access to economic resources as a result of a project activity
3. *Project-Affected Communities*: These are communities, that are directly affected by the risk of losing assets, investments, land and property and / or access to economic resources as a result of a project activity

Vulnerable Groups: Some individuals or households, including women, girls, women- or child- headed households, youth, children, minority ethnic groups, IDPs, returnees, refugees, extremely poor, and host communities⁹ could be vulnerable. There will be intersectionalities that will make some individuals particularly vulnerable, for example women IDP. Consultations undertaken for the ECRP-II have shown that due to the communal character of most land, most land-related decisions are taken by community leaders and local authorities, who are likely to be men. This puts women or other vulnerable groups into a particularly vulnerable position with regards to land and resettlement matters. The project will pay attention to this issue in land acquisition matters, and will provide special support to vulnerable groups in compensation and resettlement processes and will ensure community consent to activities, including that of vulnerable groups through rigorous information dissemination that targets vulnerable groups and consultations of vulnerable groups (see SEP).

2.4 Methodology for the Preparation of the RPF

The preparation of this RPF included a literature review and desk study of the documents to assess potential risks and impacts and develop risk mitigation measures. Documentation included: ESSs to determine applicability, especially of ESS 5; relevant legislation of South Sudan; RPFs for other WB-funded projects in the region; WB Project Appraisal Document (PAD) for the ECRP-II and Project Concept Note for the ECRP-II AF; ECRP-II Environmental and Social Commitment Plan (ESCP); ECRP-II Stakeholder Engagement Plan (SEP); Aide-Memoire for ECRP-II Pre-Appraisal Mission from November 2021; documentation from UNHCR and OCHA on the situation of refugees and IDPs. Analysis was undertaken of lessons learnt from the implementation of the ECRP-I.

Initial stakeholder consultations were conducted for the preparation of ECRP-I. IOM conducted consultations in three different areas in October and November 2019: Wau, Bor and Rubkona, and UNOPS conducted consultations in Juba, Wau, Tonj State and Kapoeta State. For the ECRP-II, IOM, with assistance from UNHCR and in coordination with the Government, undertook consultations with refugees and host communities in Maban County (Upper Nile State) and Jamjang (Parian County) in November 2021. Consultations included members of the refugee community and host communities, as well as NGOs and CSOs present in the area.

In the implementation of AF activities, these experiences and lessons from ECRP I and ECRP II will be applied. Consultations conducted for both will form the basis for the AF. The proposed AF activities and their associated risks and impacts are similar in nature to those of the ECRP II parent project. While the AF will cover different geographical areas, it is not expected that stakeholder responses will be significantly different. The socio-economic background of communities will also be similar. In-depth consultations in the new localities will be implemented after Project effectiveness.

⁹ See analysis of vulnerable groups in the ECRP-II Stakeholder Engagement Plan (SEP)

2.4. Approval and Disclosure

The RPF is prepared by the Government of South Sudan and needs to be cleared by the World Bank. The instrument will be available at the relevant institutions at all levels. It will also be disclosed at the World Bank external website. For any amendments to the RPF, the same approval and disclosure protocols will be followed. The PMU will translate summaries of the RPF into local languages and communicate its content at the community level.

3. Institutional Arrangements

3.1 Project Implementation

While the ECRP I has been implemented by UNOPS as a Project Manager, and IOM as a sub-implementer, the ECRP II is based on different institutional arrangements. It is led by a PMU, which was established in the Ministry of Finance and Planning (MoFP) with representation of LGB civil servants. The ECRP-II adopted an implementation arrangement where the Government Project Management Unit (PMU) contracted a specialized UN agency through an output agreement as technical lead partner to implement the project activities given their capacity constraints. The project built-in necessary measures to establish/restore the Government's project implementation capacity. The proposed project also built-in various capacity-building measures for county governments that have the legal mandate to provide local services under Component 2. The PMU engages IOM to implement activities for Component 1 and 2. For the implementation of the new Component 3, the PMU will contract NGOs and Implementing Partners. The PMU and Implementing Partners contract construction companies directly. The MoFP is the 'borrower' and staffs and runs the PMU. The PMU is based in Juba.

An inter-ministerial National Steering Committee (NSC) was established at the national level to provide oversight and policy guidance to the project. A National Technical Working Group (NTWG), which is an inter-ministerial technical working group, was established at the national level to discuss technical implementation-related issues of the project. The NTWG meets on a quarterly basis, or more often, as needed with the participation of the task teams of the World Bank and the Implementing Partner.

3.2 Project E&S Risk Management Set-up

The PMU has the overall responsibility for the management of the Project. It is responsible for all technical planning, financial management, procurement, Environmental and Social (E&S) risk management, and communications vis-à-vis the World Bank. It cascades down responsibilities in these areas to Implementing Partners and contractors and sub-contractors, and maintains overall monitoring and supervisory responsibility in regards to these activities. For security arrangements, the PMU is responsible for the monitoring of security and safety measures by all implementers.

This includes responsibility for the implementation of this RPF. For that purpose, the PMU deploys a Senior Social Specialist. The Specialist is embedded in the Risk Management Unit of the PMU and reports directly to the Project Manager. The Social Specialist ensures compliance with the RPF by all implementers.

The PMU's Risk Management Team is further responsible for the regular monitoring and supervision of the implementation of all risk mitigation measures. The PMU is responsible for the guidance on and clearance of correctional activities required, on the basis of monitoring activities. The Risk Management Team reports such to the PMU Project Manager and, in an appropriate timely manner, sends a request for correction to IOM and other Implementing Partners. Requests for corrections will then be added by the PMU staff to the monitoring schedule. It is expected that the Risk Management Team will regularly, at least every second month, visit project sites on a sample-base.

IOM and other Implementing Partners have the primary responsibility for delivery and decisions on the E&S screening. IOM has deployed one Community Development Specialist and one Environmental Safeguards Specialist with expertise in OHS, one GBV Specialist and one Communications/Stakeholder Engagement Specialist for the implementation of E&S measures, including the preparation of RAPs/LRPs, etc... These Specialists also assume basic monitoring and training activities for contractors. Lessons from ECRP-I have shown that the E&S capacities are generally low. IOM deploys sufficient staff capacity in order to fill these gaps.

Additional Implementing Partners contracted for the implementation of Component 3 will each maintain an E&S Specialist to oversee the implementation of all respective E&S risk mitigation measures, including in regard to this RPF.

In order to comply with this RPF, Implementing Partners conduct an E&S screening process for each site-specific activity of the ECRP-II. The responsibility for the screening sits with the Implementing Partner and its E&S Specialists and technical teams. The PMU E&S Specialists will review screening results and provide the PMU's no-objection to the screening results and proposed mitigation measures for the activity or the preparation of additional instruments. At this stage, potential land and resettlement impacts will become clear, including their magnitude and decisions will be taken by the Implementing Partner to prepare additional RAPs/LRPs, where necessary or to conduct a specific land screening exercise to identify retroactively how specific parcels of land were acquired. Where such land screening shows that land was previously owned and used by other communities, who had fled, and land was re-occupied by different communities, activities on such land will be ruled out.

Site-specific instruments, RAPs and LRPs required under the RPF, are prepared by IOM or the new Implementing Partners in close coordination with the local authorities. The PMU Risk Management team receives all RAPs/LRPs and reviews them for compliance against this RPF. It will then monitor the implementation of the RAPs/LRPs by IOM and other Implementing Partners prior to the commencement of any works. In the preparation and implementation of the instruments, the Implementing Partners work closely with the respective local governments. The PMU liaises with the World Bank to obtain the necessary approvals of the instruments.

IOM and the other Implementing Partners are responsible for direct implementation of the sub-components, including all E&S screening activities, developments of RAPs/LRPs ensuring compliance with the approved RPF. The PMU will provide overall advisory, quality assurance, supervision and monitoring.

The PMU further ensures that sufficient training is provided to all implementers on resettlement related issues and this RPF.

The implementation of RAPs and LRPs, also prior to any project activities taking place, will be the responsibility of the Implementing partner jointly with the respective local government. The project will not pay or administer any compensation payments for land acquisition, or for any economic losses. Compensation payments will need to be administered by the local government. The specific responsibilities between the project and local authorities will be laid out in the activity-specific RAP or LRP. In cases where local governments do not have the necessary funds, requests for exemptions can be made to the Project. Where required, IOM or the Implementing Partner can assist the government in the implementation of socio-economic surveys for the preparation of the RAP.

The PMU E&S Specialists are responsible for the monitoring of the RAP and LRP implementation. Furthermore, the PMU E&S Specialists are responsible for the implementation of a GRM, through which PAPs can file complaints and provide feedback, including on land and resettlement issues, or the implementation of RAPs/LRPs. It is the responsibility of the PMU, jointly with Implementing Partners, to handle complaints filed under this mechanism.

4. Stakeholder Consultations

Initial public consultations were conducted for the preparation of ECRP-I. IOM conducted consultations in three different areas: Wau, Bor and Rubkona, and UNOPS conducted consultations in Juba, Wau, Tonj State and Kapoeta State. In particular, local authorities, community leaders and members and members of vulnerable groups (such as IDPs, women, youth, pastoralists, etc..) were consulted.

The main issues and concerns raised during the public consultations included issues of land in regard to the planned activities. Nearly all respondents during the consultations stated that they do not anticipate any challenges. In Tonj North County, for example, the government stated that chiefs usually liaise with the communities and provide land to any developmental or service delivery project. Respondents explained that land is easily accessible for development needs through the land committee, chiefs and the communities. In Kapoeta State, government officials explain that land is always available for any development program, and that the government and the communities need development. At the Payam level, respondents explain that land ownership is communal, and it is easy to allocate land for development through consultations between Payam, Boma and the local communities. In another Payam, respondents claim that relevant authorities from the County, Payam and Boma sit together and agree on land allocation. At the Payam level a land committee exists, which coordinates with the communities should land be required for development. However, while the 2009 Land Act provides equal access and rights to land tenure for both men and women, customary justice outcomes indicate that women are consistently blocked from securing and owning property.¹⁰ Especially female returnees articulated that they face significant challenges in view of land and property.¹¹ It will therefore be crucial that female PAPs are consulted and not only male heads of the family. The project also puts a caveat on voluntary land donations of backyard gardens, which are usually run by women (see ESMF for negative project list).

¹⁰ Shelter NFI Cluster South Sudan (2017) "Key Housing, Land and Property (HLP) Issues in Urban Areas of South Sudan".

¹¹ See Ministry of Finance and Planning, ECRP-II Stakeholder Engagement Plan, p.22

For the ECRP-II, IOM, with assistance from UNHCR and in coordination with the Government, undertook further stakeholder consultations with refugees and host communities in Maban County (Upper Nile State) and Jamjang (Parian County) in November 2021. Consultations included members of the refugee community and host communities, as well as NGOs and CSOs present in the area.

Community members explained that land ownership is based on the land tenure system in South Sudan, whereby land is owned by the local communities, therefore ease of access or use depends on negotiations within communities. There are no title deeds or formal documentation, it is a negotiation process and it is unique to each community. Land is available but generally the community needs to understand the use and potential benefit for them, for example the negotiation might allow that they will eventually be the owners of the infrastructure or there would be a clear understanding of how their children will benefit. Project activities will therefore be based on rigorous community engagement at every phase of the activity, as laid out in the Project Stakeholder Engagement Plan (SEP).¹²

A World Bank's Pre-Appraisal Mission was carried out from 8-20 November 2021 in order to discuss key design elements of the ECRP-II; finalize the project implementation arrangements especially the division of labor between the government and IOM; agree on the required preparatory works related to procurement, fiduciary, and environmental and social safeguards. In the course of the mission, the team met with representatives from the Ministry of Finance and Planning (MoFP), Local Government Board (LGB), Ministry of Gender, Child and Social Welfare (MGCSW), Ministry of Humanitarian Affairs and Disaster Management (MHADM), Ministry of Water Resources and Irrigation (MoWRI), Relief and Rehabilitation Commission (RRC), development partners and NGOs engaged in local service delivery, community engagement, local conflict mitigation and disaster risk mitigation (DRM). The team also undertook a field trip to Malakal, Fashoda and Wau and met with governors, county governments, community members and Internally Displaced Persons (IDPs) along with field visits to ECRP-I sites.

Agreement was reached to include conflict-sensitive approaches in the project activities, based on conflict analysis that will give particular attention to issues including contestation over access to housing, land and property to avoid building assets on contested land; overlapping claims to land where new infrastructure is to be built. It was further agreed that the project will not provide infrastructure or services on land that, following its vacation by the original inhabitants fleeing conflict, has been occupied by another group (See ESMF for negative project list).

Furthermore, lessons were harvested from the ECRP-I for the preparation of this RPF. The ECRP-I had avoided any sub-projects that would trigger land and resettlement impacts by adding such to the project's negative list. Hence, the experience with land and resettlement issues under ECRP-I are small. In the latter half of the ECRP-I it was decided for the project to respond to some of the flood risks through flood risk mitigation sub-projects. Since these are more tied to a particular geographic location, the project started facing land and resettlement impacts at this point. As a lesson from this experience, it was decided to allow sub-projects with potential adverse impacts in regards to land and resettlement. This RPF was initially prepared for the ECRP II to ensure that the impacts, where necessary, are mitigated. No RPF had been prepared for the ECRP I.

¹² See MoFP, ECRP-II Draft Stakeholder Engagement Plan, January 2022.

Further consultations, especially with PAPs will be implemented prior to the commencement of AF activities and the Stakeholder Engagement Plan (SEP) will be updated accordingly. Consultations will be implemented by the NGO to be selected for the implementation of Component 3.

5. Legal and Institutional Framework

This RPF complies with the laws and regulations of the Republic of South Sudan as well as with the World Bank's ESS5, as per the World Bank's Environmental and Social Framework (ESF)¹³. Where there are gaps or discrepancies between the two, ESS5 prevails.

5.1 Property and Land Rights in South Sudan

Generally, in South Sudan, there is limited legal infrastructure to properly allocate land rights and ensure that they are respected. While the land law from 2009, which is pre-independence, allowed ethnic groups to possess land through customary rights¹⁴, in the practice today such land can be leased by the government to foreign investors, as there is no formal recognition of the rights to land by landowners. No laws have been passed since independence in 2011 to fill this gap. In addition, some States do not have a County Land Authority ("Payam Land Council") to handle these issues.¹⁵

In regard to privately owned land, there is minimal legal protection for land owners, as their right to land is often unrecognized by the State government.¹⁶

There is a risk that the absence of legislation can lead to dispossession and displacement. In some cases a few individuals in a Payam signed leases with corporations leading to the displacement of large numbers of community members, without any appropriate consultations of the broader community. In view of project implementation, obtaining consent from communities is therefore crucial, as well as providing a solid Project GRM.

There are also contradictions among different laws, for example, the Land Act from 2009 stipulates land leases to be restricted to 99 years, while the Investment Promotion Act only allows leases from 30-60 years.¹⁷

Transitional Constitution of the Republic of South Sudan 2011. According to the Transitional Constitution, the people of South Sudan own all the land and the government regulates its usage, based on the Transitional Constitution and Law. The applicable law in this case is the Land Act of 2009.

¹³ World Bank, Environmental and Social Framework, 2018.

¹⁴ See also land portal site, customary law is instead recognised: <https://landportal.org/fr/book/countries/south-sudan-context-and-land-governance>

¹⁵ Advocates for International Development (A4ID): Land Acquisition in South Sudan. Emptying the Bread Basket, accessed at: https://www.a4id.org/student_blog/land-aquisition-in-sudan-and-south-sudan/

¹⁶ Advocates for International Development (A4ID): Land Acquisition in South Sudan. Emptying the Bread Basket, accessed at: https://www.a4id.org/student_blog/land-aquisition-in-sudan-and-south-sudan/

¹⁷ Advocates for International Development (A4ID): Land Acquisition in South Sudan. Emptying the Bread Basket, accessed at: https://www.a4id.org/student_blog/land-aquisition-in-sudan-and-south-sudan/

The Constitution prescribes a three-category land tenure system. This system consists of:

- a) public land – all land owned, held or otherwise acquired by any level of government (including land owned by Bomas, Counties, States and federal government or administration and all land that is not otherwise designated as community or private). This means that all land that is not claimed automatically belongs to the government.
- b) community land – all land traditionally and historically held or used by local communities or their members (including grazing lands for animals, hunting grounds, or locations of traditional sacrifices and worship)
- c) private land including registered land held by a person under leasehold tenure, investment land acquired under lease from the government, and other land designated as private land in accordance with the law. This means that all investment land is acquired from the government through the leasehold tenure.

The reason for these three categories stipulated in the Transitional Constitution are historical. Prior to independence, all land in Southern Sudan belonged to the Government of Sudan. During this time, widespread displacements of settlements took when every time the government gave away land for investors. For this reason, the Transitional Constitution pronounces that all land belongs to the people. However, at the same time, in reality, land can only be leased from the government, making the government the de facto owner of all land. In most cases land for IDPs would therefore be provided by the Government.

Among the provisions, Article 43 (2) of the Transitional Constitution of the Republic of South Sudan, provides that the national government has the right to expropriate land for development purposes and compensate the owners. While Article 166 (6) of the Constitution offers the most explicit requirement for public consultation and stakeholder engagement during the preparation and implementation of development projects.

The Land Act, however, was enacted under the Interim Constitution of Southern Sudan, before the enactment of the Transitional Constitution.

The Land Act of 2009 (State of Southern Sudan): The Act consists of 101 sections divided into 16 Chapters: Preliminary Provisions (I); Land Ownership (II); Land Classification (III); Rights to Land (IV); Customary Rights to Land (V); Derivative Rights to Land (VI); Land Administration and Management (VII); Registration of Land Rights (VIII); Acquisition of Land for Investment Purposes (IX); Pastoral Lands (X); Land Use, Social and Environmental Preservation (XI); Expropriation of Land for Public Interests (XII); Land Rights Restitution and Compensation (XIII); Unauthorized Occupancy (XIV); Land Disputes Settlement (XV); Miscellaneous Provisions (XVI).

The Land Act also divides land into three categories, public, community and private land. It further recognizes three types of tenure: customary, freehold and leasehold.

The Land Act reinforces the Government's recognition of customary land tenure: 'Customary land rights including those held in common shall have equal force and effect in law with freehold or leasehold rights.' Community land can be allocated to investors as long as investment activity 'reflects an important interest for the community' and 'contributes economically and socially to the development of the local community'. It also requires that state authorities approve land acquisitions above 250 feddans (105 hectares) and create a regulated ceiling on land allocations. Freehold rights include the rights to transfer

the land, but the law does not state how freehold land can be acquired. Leasehold can be obtained for customary and freehold land – for up to 99 years. Leases of more than 105 hectares have to be approved by two local government bodies.

One of the key objectives of the Land Act is to promote a land management system, which can protect and preserve the environment and ecology for the sustainable development of South Sudan. It also provides for fair and prompt compensation to any person whose right of occupancy, ownership or recognized long-standing occupancy or customary use of land is revoked or otherwise interfered with by the Government. It grants a right of restitution if a landholder lost rights to land through involuntary displacement as a result of the 1983 war.

The Land Act requires the Government to consult local communities and consider their views in decisions about community land. The Act also gives pastoralists special protection: ‘No person shall without permission to carry out any activity on the communal grazing land which may prevent or restrict the residents of the traditional communities concerned from exercising their grazing rights’.

The Land Act further stipulates the establishment of County Land Authorities and District-level Payam Land Councils, both including county and district representatives, representatives of a local CSO and a woman representative, to act as administrators over community land. Their responsibilities include holding and allocation of public land, recommendations on public land planning, advising on resettlement of IDPs, facilitating the registration of land, supporting cadastral operations and surveys, and advising on land tenure and usage. The Payam Land Councils include the boma chiefs, representatives from the Farmers and Herders Association, and a representative of a CSO as well as a woman representative. They are responsible for the administration of land at the district level. Its members are appointed by the State Minister, based on recommendations of the County Commissioner and in consultation with the local traditional authorities. In reality, these two bodies often do not exist.

Furthermore, under the Land Act, state governments and other public authorities are allowed to expropriate private land for public purposes subject to compensation payment. Such expropriation has to be based on consultations with the owners, as well as with pastoralists holding potential secondary rights. In reality however, any community consultations are largely absent.

The Local Government Act (2009). The Act defines the primary responsibility of local government and traditional authorities to regulate and manage land, including charging customary institutions with particular responsibilities for the administrations of community land rights. It calls for a Local Government Council at the county level to be the primary institution managing land issues. It also calls for land committees, as part of the Local Government Council, to take on a role as mediators between communities and investors.

Investment Promotion Act (2009). The Act establishes procedures for the facilitation of access to land for private investment while balancing the interests of the current right holders and investors. It explicitly limits foreign investments to renewable terms of 30 or 60 years respectively.

There is often a lack of awareness by local government officials as well as the public in regard to these laws, which impedes their implementation. In reality, customary land laws largely remain intact and regulate land ownership and usage.¹⁸

Urban Planning and Land Disposal Act, 1994. The Act regulates designation of lands for different purposes and urban planning. With respect to land expropriation for public purposes, Section 13 of the Act recognizes the application of its predecessor – Land Acquisition Act 1930 giving the national government power to expropriate land for development purposes and compensate owners.

A **draft Land Policy (2013)** proposes a Land Valuation Act to set standards for land valuation, mainly for taxation purposes. At present, the only institution implementing land valuation is the Judiciary.¹⁹ Since the formal Judiciary is not easily accessible in many areas of the country, there is a lack of land valuation mechanisms.

5.2 World Bank ESS

The Environmental and Social Framework (ESF) sets out the World Bank's commitment to sustainable development through a Bank Policy and a set of Environmental and Social Standards (ESSs) that are designed to support borrowers' projects with the aim of ending extreme poverty and promoting shared prosperity. The short summary of several relevant Environmental and Social Standards (ESSs) from the Bank's ESF are presented below.

The ESSs set out the requirements for borrowers relating to the identification and assessment of environmental and social risks and impacts associated with projects supported by the Bank through Investment Project Financing. The Bank believes that the application of these standards, focusing on the identification and management of environmental and social risks, will support borrowers in their goal to reduce poverty and increase prosperity in a sustainable manner for the benefit of the environment and their citizens.

ESS5 – Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement. ESS5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. The term "involuntary resettlement" refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.

Experience and research indicate that physical and economic displacement, if unmitigated, may give rise to severe economic, social and environmental risks: production systems may be dismantled; people face

¹⁸ USAID, Country Profile South Sudan, Property Rights and Resource Governance, accessed at: https://www.land-links.org/wp-content/uploads/2016/09/USAID_Land_Tenure_South_Sudan_Profile-1.pdf

¹⁹ South Sudan Law Society, David K. Deng, South Sudan Country Report. Findings of the Land Governance Assessment Framework, 2014, accessed at: <https://documents1.worldbank.org/curated/en/75652150487288898/pdf/119635-WP-P095390-PUBLIC-7-9-2017-10-34-1-SouthSudanCountryReport.pdf>

impoverishment if their productive resources or other income sources are lost; people may be relocated to environments where their productive skills are less applicable and the competition for resources greater; community institutions and social networks may be weakened; kin groups may be dispersed; and cultural identity, traditional authority, and the potential for mutual help may be diminished or lost. For these reasons, involuntary resettlement should be avoided. Where involuntary resettlement is unavoidable, it will be minimized and appropriate measures to mitigate adverse impacts on displaced persons (and on host communities receiving displaced persons) will be carefully planned and implemented.

The ESS does not apply to voluntary land transactions, as will also be relevant for the ECRP. Voluntary, legally recorded market transactions are those in which the seller has the opportunity to retain the land (as well as to refuse to sell it) and is fully informed about his options. While the legal system in some areas is too weak to allow the project the purchase of land, in some of the urban areas this may be possible. However, ESS5 will apply where a voluntary land transaction may result in the displacement of persons other than the seller, who occupy, use or claim rights to the land in question.

Given that in South Sudan most land is communal, even where decisions are taken by local leaders, ESS 5 also applies, where 'restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognizable usage rights.'²⁰ It further applies in cases of 'restriction on access to land or use of other resources including communal property and natural resources such as marine and aquatic resources, timber and non-timber forest products, fresh water, medicinal plants, hunting and gathering grounds and grazing and cropping areas'²¹.

In addition, communal decision on communal land should be taken with evidence that the 'community decision making process is adequate and reflects voluntary, informed consensus, and that appropriate measures have been agreed and put in place to mitigate adverse impacts, if any, on the vulnerable members of the community.'²²

ESS5 outlines classifies three categories of PAPs, those:

- (a) Who have formal legal rights to land or assets;
- (b) Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; or
- (c) Who have no recognizable legal right or claim to the land or assets they occupy or use.

²⁰ The World Bank, Environmental and Social Framework (ESF), ESS 5, 2018, p. 54

²¹ The World Bank, Environmental and Social Framework (ESF), ESS 5, 2018, p. 54

²² The World Bank, Environmental and Social Framework (ESF), ESS 5, 2018, p. 54

5.3 Gap analysis ESS and national legislation

The below legal gap analysis compares objectives rather than requirements of ESS5 with national laws and requirements. The reason for this is that the nearly complete lack of a legal system, including laws and institutions means that the ESS 5 requirements are barely reflected in the national laws and requirements. Requirements, such as establishment of cut-off-date, eligibility criteria, replacement value, criteria for Voluntary Land Donations, and stakeholder engagement therefore follow ESS 5 closely.

Table 3 Gap analysis ESS and national legislation

Key Resettlement Aspect	Relevant Provisions of ESS5	National Land Legislation (The Land Act, 2009)	Recommended Actions
Preparation & disclosure of instruments	Preparation of Resettlement Action Plan required through participatory process or consultation	National law requires preparation of RAPs but has no explicit requirement for the disclosure of the RAPs	The RAPs have to be disclosed through publication.
Consultation and Participation	Requirement for the disclosure of relevant information; meaningful consultations with affected persons communities, and other stakeholders; consultations must be on-going and inclusive	The national constitution requires public consultation and stakeholder engagement during the preparation and implementation of development projects. However, continuous all-inclusive consultation is not clearly provided for.	Continuous all-inclusive stakeholder engagement and consultations are planned for and executed in the project.
Mode of Acquisition	Forms include negotiated purchase; donation; expropriation	The Land Act, 2009 provides for compensation for land acquired. There are no guidelines for land donation in particular.	All land acquisition in the project is negotiated and where land donation applies, it will be done to the World Bank standards of consultation and documentation.
Impacts Considered	Impacts include loss of assets, disturbance costs and associated expenses, loss of access to resources, and broader socio and economic consequences (physical and economic displacement)	Other than compensation, the national law does not consider other impacts such as disturbance and livelihood disruptions.	All project induced land related impacts is considered & addressed in this project, as per the provisions of ESS5.

Key Resettlement Aspect	Relevant Provisions of ESS5	National Land Legislation (The Land Act, 2009)	Recommended Actions
Physical Displacement	Assist displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.	Lack of legislation on displacement	All project induced land related impacts is considered & addressed in this project, as per the provisions of ESS5.
Compensation	Options developed in consultation with PAPs through consultation. Cash or in-kind at 'replacement value' e.g., replacement land, replacement houses, rehabilitation program, community/livelihood support program (for economically displaced), other forms of assistance Compensation provided for temporary acquisition or restrictions on use of land	National law requires prompt compensation at market rates. This is not comprehensive enough to include replacement value, livelihood support and other forms of assistance.	The ESS5 process and applicable forms of compensation and support applies in this project.
Calculation of Compensation	"Replacement cost" is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs.	Transitional Constitution: Pursuant to Article 32 (2), no right in land shall be expropriated or confiscated save by law in the public interest and in consideration for a prompt and fair compensation. The Land Act of 2009 provides for fair and prompt compensation to any person whose right of occupancy, ownership or recognized long standing occupancy of customary use of land is revoked or otherwise interfered with by the Government. There is no definition of compensation, land valuation is only implemented by the Judiciary	The amount of compensation is determined during the valuation process, in which the value of the land or assets are assessed.
Replacement Housing	If people living in the project area are required to move to another location, the Borrower will: (a) offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation; and (b) provide relocation assistance suited to the needs of each group of displaced persons. New resettlement sites will offer living conditions at least equivalent to those previously enjoyed, or	No legislation exists in regards to replacement housing.	ESS5 is followed in regards to replacement housing

Key Resettlement Aspect	Relevant Provisions of ESS5	National Land Legislation (The Land Act, 2009)	Recommended Actions
	consistent with prevailing minimum codes or standards, whichever set of standards is higher		
Livelihood Restoration	Livelihood restoration: ensure affected persons restore their income and livelihoods to pre-project levels	The Land Law of 2009 stipulates that IDPs and refugees shall be assisted with efforts to improve their livelihoods	ESS5 is followed in regards to livelihood restoration
Delays in accessing compensation	On an exceptional basis, with prior agreement from the Bank, the Borrower may deposit compensation funds as required by the RAP (plus a reasonable amount for contingencies) into an interest-bearing escrow account or other deposit account and proceed with the relevant project activities.	Not explicitly covered under national law.	ESS5 requirements are the governing standard to supplement national requirements for RAP/LRP.
Vulnerable PAPs and gender considerations	Particular attention is paid to the needs of vulnerable groups. Consultations need to ensure that women's or pastoralist perspectives are obtained and that their interests are factored into all aspects of resettlement planning and implementation.	While stakeholder engagement and participation are required under the law in South Sudan, it is not clear how vulnerable PAPs and groups are included in the process.	Vulnerable groups and women are targeted specifically to capture and include their perspectives in the planning, compensation and support processes.
Eligibility for compensation	All legal claimants and informal occupants and structures on land.	While alternative land may be provided for unlawful occupants, all claimants may not be eligible under national law.	ESS5 requirements of eligibility applies in the project where informal occupants and their structures will be covered.
Grievance Mechanism (GM)	Access to grievance mechanism required regarding any project related complaint, no time limit.	According to the Land Act 2009, Section 75, any grievance due to land acquisition shall be filed to the land committee, but there is no provision for a comprehensive GM.	Comprehensive culture responsive GRM are prepared for the various sub-projects, as per the mechanism described in the SEP.

Key Resettlement Aspect	Relevant Provisions of ESS5	National Land Legislation (The Land Act, 2009)	Recommended Actions
Support during transition and M&E	Monitoring and evaluation system is required as part of the RAP; status of PAPs needs to be monitored and evaluated; transitional support provided to economically displaced as necessary.	Not provided under national law and policy	Continued monitoring and support are entrenched in the project process.
Cut-off date	In conjunction with the census, the Borrower will establish a cut-off-date for eligibility. Per ESS5, the Borrower will give a notification period for displacement.	Cut-off dates and notification periods for displacement are not defined under the law.	This RPF and ESS5 are followed by the Project. The RAP preparation process includes cut-off dates and define notification periods for displacement.

6. Processes for Compensation and Resettlement

6.1 Screening

E&S screening shows potential land risks and impacts and their magnitude. It helps identify the appropriate mitigation measures or the need to assess alternative sites. The E&S screening pays attention to any activity that may require land, impact any community members and vulnerable groups. Furthermore, the screening indicates where land designated for project activities has previously been used by other communities that had to vacate the land due to conflict, and where the land has been occupied by others. Where such is determined through the E&S screening process, the activity is ruled out.

All potential activity sites are screened using the E&S screening forms, which is annexed to the ESMF (see Annex 1). The form facilitates an assessment of the need for any land acquisition, restriction on land use and involuntary resettlement, help list any legacy issues, evidence of alternatives considered, and helps determine whether a RAP or LRP should be prepared or whether the activity should be ruled out.

The screening further helps to confirm that all reasonable efforts have been made to avoid and minimize land acquisition/resettlement; determine whether proportionate RAP or LRP are required; determine whether there are vulnerable PAPs that require special provisions in the RAP or LRP (see section on vulnerable groups above); and ensure the initiation of consultations for the RAP or LRP preparation. The consultation process provides opportunities for continuous identification and communication of issues of interest for the proper management of the land and resettlement issues and to ensure consent from communities.

The selection of the type of plan will be proportionate to potential risks and impacts of the activity. In the case of physical displacement, it will be necessary to prepare a RAP. In cases of economic displacement, a LRP will be prepared. Impacts affecting less than 20 household will only require a simplified RAP. Some activities or sub-projects may cause both physical displacement and loss of livelihood. Both types of plans will identify, document and mitigate impacts resulting from land acquisition, restrictions on land use and involuntary resettlement in accordance with ESS5.

6.2 Preparation of RAP/LRP

IOM and other Implementing Partners will be responsible for the preparation of the appropriate RAP/LRP in accordance with the principles, procedures and provisions of this RFP, jointly with the respective local government. This includes the definition of objectives, project site description, description of scope of the RAP/LRP, description of eligibility criteria, description of the planned activity, criteria of the cut-off-date and dissemination requirements, definition of impacts caused by the activity, description of alternatives that have been considered, definition of the valuation methodology, description of proposed institutional arrangements, description of the GRM, RAP or LRP budget estimate for implementation of the instrument, description of M&E, preparation of survey instrument and monitoring of data collected during census and socio-economic surveys, support to livelihood improvement or restoration program, and the implementation of stakeholder consultations for the preparation of the instrument in order to obtain consent of local community stakeholders.

The following steps will have to be implemented as part of the preparation of the RAP or LRP:

Step 1 Consultation Process. Public consultations start during the planning stages of the activity, when designs are decided on, and at the E&S screening stage. Consultations are held early on during this process, and extend throughout the RAP/LRP preparation process, including throughout the survey activities. Consultation will focus in particular on obtaining consent from local communities and make special considerations of vulnerable groups.

Step 2 Disclosure and Notification. Stakeholders will be informed about the planned project activity, and the RAP or LRP process. A cut-off date is announced to the stakeholders to help determine eligibilities for compensation and other forms of assistance. PAPs must be notified of the cutoff date both in writing and by verbal notification delivered in the presence of all the relevant stakeholders. Where there are no identifiable owner or user of a piece of land or asset, the Implementing Partner must notify the respective local authorities and leaders. The team may opt to seek further information from the respective PAPs, Payam or Boma leaders, local government authorities or a land valuation expert.

Step 3 Documentation and verification of assets. Meetings with all PAPs are arranged by the local government responsible for the socio-economic survey and determination of PAPs. The meetings will include local government authorities, Payam and Boma leaders, as well as community elders. The purpose of the meetings will be to discuss the compensation and valuation process. For each individual or household affected, the survey team will complete a compensation report containing necessary personal information of the individual or household, their total land holdings, inventory of assets affected, and demographic and socio-economic information for the monitoring of impacts. These reports will be regularly updated and monitored by the respective local authorities.

An important aspect of preparing a RAP/LRP is to establish appropriate data to identify the persons/household/community and their assets affected by the individual subproject; determine which people are eligible for compensation and assistance; and discourage the inflow of people ineligible for benefits.

The census will achieve the following:

1. Provide initial information on the scale of resettlement to be undertaken;
2. Identify and provide data to fill those gaps in information and give an indication of further socio-economic research needed to quantify losses to be compensated and, if required, design appropriate development interventions; and
3. Establish indicators that can be measured later during monitoring and evaluation.

The socio-economic survey is conducted along with Land Asset Inventory to determine the assets affected by the activity and determine which assets require compensation. The survey is based on data collected with the aim to identify the PAPs that will likely have to be displaced, and/or the PAPs that are eligible for compensation payments and other types of assistance. The data also provides exact information of the scale of the resettlement and displacement that is necessary for the implementation of the activity; helps identify gaps in information and point out any further socio-economic research that needs to quantify the losses; it helps prepare appropriate development interventions where necessary; it helps prepare indicators to assist in the monitoring & evaluation of the implementation of the RAP or LRPs.

The socio-economic survey is undertaken by the local government with assistance from the Implementing Partner where required. In addition, a rapid and secure survey methodology will be

applied, based on digital media and a database structure associated with the proposed digital forms (see Annex 1).

Implementing Partners will further liaise closely with the respective local government in order to obtain their agreement and willingness to support the RAP or LRP process. Implementing Partners then assist the local government in the defining of the number of PAPs affected by the activities, the vulnerable groups affected, implementation of the census and socio-economic survey of PAPs, the asset inventory, the proposed assistance to the PAPs, and the development of the options for compensation (including the calculation of compensation amounts, or the types of in-kind compensation, and determination of PAPs to receive compensation or other assistance). Implementing Partners then work closely with the respective local authorities to assist them in the implementation of compensation payments or other measures that are determined by the RAP or LRP. Where local authorities are not willing or do not have the funds for compensation payments, an exemption can be requested from the Project.

The Land Act of 2009 stipulates that any allocation of land for investment purposes shall be subject to a social, economic and environmental impact assessment to ensure that the social, economic and environmental implications of the activities on the land are taken into account before any decision is made thereon. In such cases, IOM will prepare an ESIA for submission to the respective authorities.

Valuation: Acquired assets will be compensated at replacement costs, and in calculating replacement cost, depreciation of structures and assets is not taken into account, nor is the value of materials salvaged by the PAP from an asset (e.g. building materials, the pump from a well etc.) acquired under a community project. For houses and other structures, the replacement value, if provided as cash compensation, is the market costs of materials to build a similar or better structure than the one affected, plus costs of labor/contractors, and the cost of any registration and transfer taxes. For agricultural land, the replacement cost is the pre-project or pre-displacement (whichever is higher) market value of land that is of equal size, or use plus the cost of any registration and transfer taxes. The valuation is carried out by the local authorities and approved by the PMU. Ensure that assets are replaced fully –if no market exists must calculate replacement as new for old, without depreciation and including all transaction costs. It also needs to be ensured that income is broadly defined to include in cash and in-kind flows.

Community Payments: In cases where land or assets belong to an entire community and no individual owner or user can be allocated, the community is compensated. Such compensation can be in the form of reconstruction of the facility (in case of damages) or replacement (at least the same standard or equivalent or better standard). It can also include livelihood restoration.

Step 4: The valuation report is prepared, and on the basis of the report, the RAP / LRP drafted. Implementing Partners jointly with the local government, submit the draft RAP or LRP to the PMU for review. When the PMU deems the plans satisfactory, it submits them to the World Bank for approval. The plans must be approved by the World Bank prior to any resettlement and land acquisition for the activity.

The RAP document includes a description of the sub-project activity; a list of the potential adverse impacts; objectives of the RAP, results from the census / socio-economic survey; description of the legal framework; description of the institutional arrangements for the implementation of the RAP; definition of eligibility of PAPs; valuation of and compensation for losses; description of the community consultations undertaken; implementation schedule, a budget for the implementation of the RAP; and a description of the GRM and M&E processes (see Annex 3 for more details).

Step 5: Disclosure of draft entitlements matrix, valuation report, RAP/LRP. After World Bank approval is obtained, the Implementing Partners prepare a final version of the plan for public disclosure. The copies of the plan are prepared in English and in any other local languages that is relevant for communication in a particular area, and made accessible to all the project stakeholders and on the World Bank website for a period of at least 30 days. Potential comments from the public consultation is incorporated into the final plan prior to implementation. The names of the identified PAPs and the respective entitlements will be removed in disclosed versions of the plans.

Consultations in Resettlement Planning and Implementation: Consultations with PAPs and stakeholders is an integral part in the RAP preparation, implementation and monitoring processes. Consultation requires good preparation, prior dissemination of project information that is accessible to community members. Agenda items are set and information provided on the proposed place and date of consultations. Consultation planning should consider local contexts, women's availability, and mobility.

Consultation should be inclusive. The consultation process should ensure sizeable participation of women, youth, occupational, ethnic and other minority groups, pastoral and agro-pastoral households, elderly and any other groups at risk of exclusion. Consultations should also offer an opportunity to express concerns. During the entire process of preparing the RAP, consultations with the public are essential as it offers the affected persons an opportunity to participate and contribute to both design and implementation of the project activities.

Consultations should happen in the local languages of the PAPs. Separate consultations with women may be required to ensure their full participation. Community institutions and community leaders can play important role as facilitators of consultation.

Public participatory consultations are done through stakeholders' meetings and workshop at suitable locations. The information is made available to each household on entitlements and eligibility criteria, modes of compensation, complaints handling and grievances resolution procedures. The project Stakeholder Engagement Plan provides the specifics.

6.3 RAP/LRP Implementation Procedures and Implementation Schedule

All compensation and other forms of assistance, as well as due diligence on land ownership, will have to be completed prior to the commencement of activities.

Compensation payments are clearly explained to the individual and households eligible, including the basis for valuing all assets. Monetary or in-kind compensation payments are undertaken in the presence of the PAPs and the Payam or Boma leaders.

Displaced individuals or households receive relocation assistance for the costs of moving to the new location, as well as an allowance equal to the local average costs of living during a two months period to resettle in their new location of residence or business.

The Local Government at the County level will lead the delivery of affected person entitlement compensation with the support of the Implementing Partner where required. Delivery can also be made internally through the E&S Specialists of the Implementing Partners. The Local Government must ensure that all procedures are understood in the community involved, and applied in the best possible way through local resources. Firstly, all affected assets must be confirmed by means of asset inventory documentation prepared for this purpose. Then compensation agreements can be drawn

up based on confirmed data on the affected assets. For this matter, the PMU or Implementing Partner engages with each Local Government and discuss their obligations and budgetary issues.

The Local Government coordinates the involvement of technicians from other relevant government entities, including the municipality or county governments, depending on the case, to confirm assets and verify possession of a bank account or mobile phone. Where necessary, they also validate the identification needed to open a new account. After engaging the PAP, signing of the agreements, and providing accounts for payment, the Local Government will pay the PAP by cheque or transfer through authorized financial institutions (bank accounts and mobile accounts offered by telephone operators) before displacement. Proof of transfer or cheques will be handed over in the presence of witnesses and managed by the local authorities. Only when there is no facility to receive compensation in any other way can affected person receive cash. In the case of cheques and cash, a satisfactory security system must be put in place to guarantee the confidentiality of payment to avoid theft or loss of money.

The PMU and Implementing Partner will focus on building household/community capacity during and after compensation, as necessary.

The Local Government will work with the PAPs to inform them of their rights and responsibilities, the mechanisms for submitting complaints and appeals, and the implementation procedures. The PMU or Implementing Partner will verify if cash compensation has been carried out transparently before the affected persons are displaced. They work with the affected persons to ensure that they select areas to cultivate or trade, and livelihood activities that are socially acceptable for everyone involved, local leaders and host/neighborhood communities included.

The Local Government is also responsible for organizing adequate assistance for displaced persons who have lost most of their income source. Such assistance includes agricultural inputs, transport, etc. to continue agricultural / commercial practices elsewhere or guidance on alternative livelihood strategies. For spouses, it is required that husband and wife are jointly registered, unless both agree otherwise.

The PMU or Implementing Partners ensure that contractors are given written instructions so that they do not start construction on sub-project sites that are occupied until their occupants have been resettled and the areas physically vacated.

A central aspect of the compensation process is the provision of resources for affected household or persons to restore their standard of living. PAPs will be engaged to confirm the assets to be lost and inform them of the project policy that sets standards and keeps them informed about matters of interest to them, such as:

- The general schedule of the project and, in particular, the various milestones with direct implications for their livelihoods;
- The replacement value must correspond to the (current) market value of affected assets;
- The amount must be paid in order to give the affected person the opportunity to improve their living standards or at least to maintain the living standards that prevailed before the start of the sub-project;
- Compensation for all assets must be provided and completed before works and displacement start;
- Whenever applicable (for households that can choose to replace their affected assets) they can be helped to rebuild the structures lost to the project;

- Ensure that fixed-sale stalls and kiosks and other important businesses are compensated / replaced/reallocated in such a way that there is no interruption or discontinuity in local markets.

Assistance transporting goods: All affected persons moving temporarily or permanently will receive moving allowances/assistance.

Assistance to vulnerable people: Assistance to vulnerable people will take the following forms, depending on the needs and demands of the people and goods concerned:

- Dedicated consultation and monitoring to ensure livelihoods provided/restored and the vulnerability not increased;
- Assistance in the identification of suitable replacement land and in strategic location / design of the houses;
- Assistance in the clearing procedure (further clarification on the process, ensuring that the documents are understood, supporting the person in the bank, etc.);
- Assistance in the period after payment, so that compensation is safe and that the risks of misuse or theft are limited;
- Assistance directed at moving: providing transportation (vehicle and logistics) and helping the person to find their resettlement location, to ensure that others do not settle there, etc.;
- Assistance in the reconstruction of replacement structures.
- Where applicable personalized architecture design and provision, in kind, - specified for the vulnerability demand (e.g. wheelchair ramps on road designs, community areas, markets etc...);
- Where necessary, food aid and / or medical assistance during critical periods, especially during resettlement and subsequent transition; and
- Assistance in the post-relocation period, especially if the solidarity networks (food aid, health, surveillance, etc.) benefiting vulnerable people cannot be reinstated immediately.

Sensitization to discourage the improper use of compensation: It will be important to raise the awareness of PAPs receiving cash compensation (mainly in cash) to use it to make up for the loss of assets or income to improve the family's condition. This aspect will be the responsibility of the local authorities. Experience shows that, in similar circumstances, there is often a risk that some beneficiaries will use this money for purposes that do not add value to family and community life (for example, alcohol and other negative practices) and consequently impoverish families and communities. Some goods usually purchased, although beneficial, e.g. motor bikes, if not used to obtain income only increase household expenses.

Representativeness and delivery of compensation: The following principles must be taken into account when designing compensation delivery systems:

- Whenever possible, compensation must be delivered directly to the legitimate affected party. When delivered to a representative, the reasons for the substitution must be specified and these must be approved by witnesses such as local leaders, where appropriate. These representatives must have a power of attorney giving him the right, which will be put on record/file.
- At the household level, it is important to involve men and women (not just men) in the management of all aspects of compensation, especially receiving compensation (in cash and in kind). The affected households will be sensitized on this aspect.
- If deeds are issued, there should be the option to register the names of the husband and wife for the new dwelling, land or stall. Involve women to ensure that restoration measures are used to build family capital;

- The act of delivering the compensation must be duly witnessed, documented, and the respective confirmation receipts obtained. For registration and accountability purposes, photographs of all compensation delivery events must be taken and filed in the project database;
- Proof of payment is filed by the affected person and the local authorities, showing the identification and signature of the affected person, the signature of local witnesses (leader and / or local representative).

Compensation payments: The census and compensation agreement indicate whether the affected household/person has a bank account, which other financial services they use, the value of the entitlement and preferences for receiving the monetary compensation.

Planning the payment timing: Payment of compensation for loss of crops should preferably be made at a time directly related to the preparation of the replacement cultivation areas. This serves to ensure that the money is more likely to be used to guarantee the long-term benefits of subsistence agricultural activities.

Payment for loss of income: Compensation for temporary loss of income sources (e.g. agricultural and business) is calculated to cover the period until the affected person has an income again. Payments should be made according to the time the income is suspended.

Assistance in opening an account: Assistance in opening a mobile account can be provided to households without a bank or mobile account. Assistance in opening an account (bank or mobile) includes advice (on account types, form and transaction costs, security requirements and the non-transferability of security codes, etc.), facilities on opening the account and payment by the project, the respective costs of opening an account and handling cheques and debit cards. It is recommended that an exemption from these costs be negotiated with the operator and that it provides the training/counselling for those affected, or if unavoidable, they be covered by the project.

Assistance in utilizing money: Vulnerable households with difficulty in travelling to operate a bank or mobile account (e.g. disabled and old people) will be helped by the local authorities to purchase the items they request until the process is finalized.

Post-Resettlement: Monitoring continues even after physical resettlement and payment of compensation for the duration of the period it requires to achieve restoration. It will also include livelihood restoration. Monitoring will be conducted by the PMU, with the Project GRM available for grievances to be filed. If situations are detected where people may not be adapting or are unable to take advantage of the opportunities offered to them for an adequate recovery of their livelihoods, additional assistance should be given.

6.4 Special Restoration Measures for Vulnerable Groups/PAPs

One objective of ESS5 is ‘to improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.’ During the preparation of the RAP or LRP, the Implementing Partners pay particular attention to the identification of vulnerable groups and ensure that their specific needs are considered. Vulnerable or “at-risk” groups includes people who, by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage or social status may be more adversely affected by displacement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.

During the preparation of the RAP or LRP, the Implementing Partner pays particular attention to the identification of disadvantaged and vulnerable groups (see Section 2.3. for definition) and ensures that their specific needs are considered.

The RAPs and LRPs will include solutions to the following aspects:

- Ensure that local decision making mechanisms for land allocation and ownership pay attention to women land users and other vulnerable or marginalized groups (see ECRP-II Stakeholder Engagement Plan) and their needs.
- Ensure that compensation payments are made to women directly in the case of women-headed households.
- Provide livelihood trainings to women groups and other vulnerable groups organized in Micro and Small Enterprises (MSE's) with special attention to female-headed households;
- Provide special attention to the impact of resettlement on women and other vulnerable groups during monitoring and evaluation of the RAP or LRP.
- Income restoration measures must target the vulnerable persons or groups to ensure that they are reasonably assisted to overcome potential economic shocks and maintain the quality of life not less than prior to the activity.
- Ensure that assessments identify potential risks and impacts as well as mitigation measures , especially those that affect vulnerable groups.
- Where necessary, conduct a social, legal and institutional assessment in order to identify potential economic and social risks and impacts, in particular those of vulnerable groups.
- Consider alternative project design to avoid and minimize land acquisition or restrictions on land use, with particular attention to vulnerable groups.
- When establishing entitlements, pay particular attention to gender aspects and the needs of vulnerable groups.
- Dedicated consultation/monitoring, to ensure livelihoods provided/restored and the vulnerability not increased;
- Assistance in the identification of suitable replacement land and in strategic location / design of the houses;
- Assistance in the clearing procedure (further clarification on the process, ensuring that the documents are understood, supporting the person in the bank, etc.);
- Assistance in the period after payment, so that compensation is safe and that the risks of misuse or theft are limited;
- Assistance directed at moving: providing transportation (vehicle and logistics) and helping the person to find their resettlement location, to ensure that others do not settle there, etc.;
- Assistance in the reconstruction of replacement structures.
- Where applicable personalized architecture design and provision, in kind, of a resettlement host house - specified for the vulnerability demand (e.g. wheelchair ramps on road designs, community areas, markets etc...);
- Where necessary, food aid and / or medical assistance during critical periods, especially during resettlement and subsequent transition; and
- Assistance in the post-relocation period, especially if the solidarity networks (food aid, health, surveillance, etc.) benefiting vulnerable people cannot be reinstated immediately.

Since vulnerable individuals or groups often do not participate in decision-making meetings, it is crucial for Implementing Partners and local governments to identify them prior to any consultations. Implementing Partners assess vulnerabilities and their cause and impacts, based on identification

mechanism proposed by the respective communities, as well as those developed during the implementation of the SEP.

Payment of compensation and any other type of assistance is then be adjusted to the vulnerable persons' requests and needs. This can include assistance in the compensation payment procedure (e.g. specifically explain the process and procedures, make sure that documents are well understood); assistance in the post payment period to secure the compensation money and reduce risks of misuse/robbery; assistance in moving, e.g. by providing vehicle, driver and assistance at the moving stage, assistance in the identification of a resettlement plot; assistance in construction, including through provision of materials and work force; assistance during the post-resettlement period, particularly if the solidarity networks that the vulnerable person was relying on have been affected: food support, health monitoring, etc...; and health care if required at critical periods, particularly the moving and transition periods.

6.5 Content and Approval of RAPs/LRPs

The PMU reviews and submits RAPs/LRPs to the World Bank for review and clearance. The RAPs cover the following information:

Only after the World Bank have approved RAPs can resettlement and rehabilitation activities begin. Such activities must be completed before commencement of civil works.

The PIU will need to keep track of the various cut-off dates for each subproject and, together with the respective IP, implement measures to avoid encroachment.

7. Affected Assets, Properties and Entitlements

7.1 Potential Land and Resettlement Impacts

Land and resettlement risks and impacts are mainly expected under Component 1 and 3 of the ECRP II AF. This RPF is therefore prepared for project activities under Component 1 and 3. These components support eligible investments in community-level infrastructure and services in selected vulnerable areas through a participatory planning process, the rehabilitation of flood-affected infrastructure as well as the construction of flood risk mitigation infrastructure. Eligible investments are limited to construction or rehabilitation of public goods such as water supply and sanitation facilities, footpaths and community roads, tanks, haffirs, dykes for flood protection, health and education facilities, among others, to ensure maximum community benefit. Sources or construction materials will need to be defined on a sub-projet specific basis, but may include the requirement for borrow pits. The community-infrastructure has adopted disaster and climate resilient approaches including risk assessments to identify safe location and elevated building structure to reduce inundation risk.

Table 4 Subprojects with potential land and resettlement impacts

Component	Activities with potential impacts on land

Component 1: Infrastructure and Services for Community Resilience	<ul style="list-style-type: none"> - investments in community-level infrastructure - physical investments for flood risk reduction
Component 3: Emergency Flood Response	<ul style="list-style-type: none"> - rehabilitation of damaged community infrastructure and services - construction of new infrastructure to reduce flood risks

Components 1 and 3 are likely to require acquisition of land, which potentially entail physical resettlement and /or economic displacement. The estimated scale of resettlement is moderately significant.

The anticipated impacts include physical and economical displacements including loss of assets, temporary/permanent transfer of land for agriculture related activities as well as income and livelihoods of PAPs (IDPs and host communities) in the counties to be continued from the ECRP II and the new counties that will be added under the AF.

The activities are likely to have two categories of impacts namely:

Permanent impacts: Under Component 1 and 3, the ECRP-II AF conducts the rehabilitation or construction of education and health facilities and the construction of community infrastructure and flood-risk prevention infrastructure, as well as the rehabilitation of flood-damaged infrastructure, and amenities designed to support local communities, IDP communities, refugee and host communities. In order to obtain land for these activities, it may be necessary to require land acquisition and potentially displace people. These construction and rehabilitation activities may result in permanent acquisition of land from local individuals, households or communities.

Permanent effects can result in the permanent loss of use of property, vegetation, or, parcels of land by the affected persons.

Temporary impacts: Temporary impacts connected to temporary use of land for construction and rehabilitation activities might be interruptions in the current use of properties or land by PAPs. This could occur during the construction, upgrading and/or rehabilitation of public infrastructure.

A range of social risks may occur including physical and/ or economic displacement because of land take for Component 1 and 3 activities. The severity of any impacts will depend on the existing land use, and the importance of sites for livelihoods. The impacts through the construction of new infrastructure is likely low, since subprojects with significant impacts will be avoided. Temporary physical or economic impacts are more likely than permanent ones.

Given the land tenure situation, the project, where required, shall frame engagement (with households and community leaders) to ensure households with land use rights are not excluded from stakeholder engagement and project benefits, while negotiating with community leaders, hence mitigating the potential risk of elite capture. Subproject impacts on land tenure could differentially affect vulnerable groups, notably traditional local communities (as per ESS7), as well as women, persons living with disabilities, and those with smaller land plots or with informal rights to the land they use. In light of the possible impacts on communities meeting the criteria of ESS7, activities that would require the application of Free Prior Informed Consent (FPIC) will not be eligible for financing.

Given the communal nature of most land, land acquisitions of private land is expected to be minor. Infrastructure activities are likely to be implemented primarily in rural areas. They may therefore affect communal land, a context in which decisions by the communities and local authorities are required to provide the land for the initiatives. However, given lessons learnt from past experiences, a few individuals may hand out land on behalf of the community, which makes a well-organized consent of the broad community crucial.

In some cases, residential structures may be affected, especially along the roads or where flood risk mitigation infrastructure is planned. In such cases, it is possible that residential structures have to be removed for the construction. Other structures, such as shops can be affected if they are located in close proximity to a river.

Despite communal ownership of the land, sub-project activities may also affect individual assets on the land, such as crops or fruit trees. Farmers may have planted crops close to the river, or fruit trees may line the plots identified for community infrastructure. Crops and trees may be impacted by the space required for the construction.

In addition, there are large numbers of pastoralist communities in the project areas, which adhere to nomadic or semi-nomadic lifestyles. For these groups, questions of impacts on land usage will be less relevant, but access to water sources may be impeded.

Land and resettlement questions may also occur in places where construction materials are sourced and extracted.

The table below is a summary of the Component 1 and 3 activities associated with potential land and resettlement impacts, and a qualitative assessment of the physical and economic displacement implications. Once quantitative information is available and a footprint of each of the activities are known, this RPF will be expanded into RAPs/LRPs to address physical and economic displacements.

7.2 Displacement Implications

Table 5 Summary of relevant activities and displacements implications

Project Activity	Potential Impacts
<ul style="list-style-type: none"> - Support water Infrastructure - Rehabilitation or construction of sanitation facilities - Footpaths and community roads - Dykes and other flood protection - Rehabilitation of education and health infrastructures - Rehabilitation of flood-damaged infrastructure 	<ul style="list-style-type: none"> • Physical and/ or economic displacement because of permanent and/or temporary land take for new construction of facilities, access road and other fixed infrastructures under Component 1 and 3 • Displacements may also occur in areas where the construction materials are sourced and extracted (borrow pits). • Destruction of crops, including fruit trees, standing crops, perennial and non-perennial crops due to the construction and operation of fixed line components, access road and other fixed infrastructures planned by the project. • Loss of assets, sources of income or means of livelihoods, for example where access to businesses is impacted or where roadside vendors have to be removed temporarily and/or permanently. • Disadvantaged and vulnerable groups as well as historically underserved communities may be disproportionately affected by the resettlement process based on their specific status. <ul style="list-style-type: none"> ▪ Impact on social and cultural resources: Construction activities may encounter physical cultural resources and/or burial sites and shrines or other non-visible cultural resources that are affected by the project. ▪ Impact on tenants: Tenants residing in the affected residential house occurring within the project areas of direct influence may be forced to look for alternative residential houses. These tenants will be negatively affected though for short while as they look for the alternative residential houses. • Potential for conflict over land and property by different groups. Land ownership may be contested due to a variety of reasons (weak laws and judicial system, displacement of people in the past, different concepts of communal ownership). • Processes for land expropriation and compensation may not be in place or fully established. As a result, resettlement as well due diligence for establishing ownership for voluntary land donations may be challenging and may lead to disputes. • Access to water sources impeded

7.3 Valuation of Affected Assets

Compensation for all affected assets is determined based on full replacement value. All affected assets are recorded and verified in the presence of the owner of the assets. Geo-referencing of assets is also recommended. Each asset is enumerated and inscribed on a database. The valuation of the assets is undertaken by a registered valuer. Values will be captured in the register of affected asset and are explained to the owner. When valuing assets, the registered valuer takes account of rates on the open market, and information gathering during consultations with PAPs to ensure that compensation is at replacement value. Market surveys are conducted at the time of the inventories of each RAP/LRP, in order to establish compensation rates that are locally relevant to the period of implementation of the RAP/LRP. The final valuation is based on the principle of improving, or at least restoring, their livelihoods and living standards, in real terms, to pre-displacement levels. Compensation payments are made by cheque and deposited into the joint bank account (that is, husband and wife) of project-affected households. The values will be reviewed by the Value Assessment, Compensation and Resettlement Committee (VACRC).

The RAP includes a detailed implementation schedule to outline the time by which resettlement-related activities will be completed which will ensure timely payment of compensation. Where project-related land acquisition affects livelihoods or income, a Livelihood Restoration Plan (LRP) allows PAPs to improve, or at least restore, their incomes or livelihoods. Specific considerations taken into account include the following:

Table 6 Considerations in valuing assets

Type of Asset	Considerations
Land	Review recent value of land transfer. Determine whether established rates are sufficient to purchase same size and quality of land in a similar location.
Structures	Evaluate whether compensation will enable the PAPs to acquire or rebuild the affected structure, based on a review of: Types of structures, sizes, levels, land, in a similar location, and the nature and quality of materials used. Cost of labour to rebuild. Cost of materials and transport costs. Comparison with other assets in the area.
Trees and Crops	Collect information to determine average price of items e.g., currently market prices in consultation with County Agricultural Office and County Forest Office
Livelihoods and income	Collect information on the income and livelihood of the PAP and prepare LRP. Replacement costs for crops, water, etc.. Alternative access to water Lost net income for business owners or alternative employment Lost net wages for employees

7.4 Entitlement Matrix

The below matrix shows eligibility criteria for persons and groups, which are refined based on the activity-specific resettlement assessment, and their entitlements in the different anticipated displacement

scenarios. Eligibility classification as per ESS 5 includes persons a) who have formal legal right to land or assets; b) who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; c) who have no recognizable legal right or claim to the land or assets they occupy or use.

National regulations and requirements define that no land shall be expropriated or confiscated save by law in the public interest and in consideration for a prompt and fair compensation (Transitional Constitution Article 32 (2)). The Land Act of 2009 provides for fair and prompt compensation to any person whose right of occupancy, ownership or recognized long standing occupancy use of land is revoked or otherwise interfered with by the Government. However, practice has shown that there is a limited legal infrastructure to properly allocate land rights and ensure that they are respected. Furthermore, there is no legal definition of compensation. For this reason, the below entitlement matrix does include the eligibility criteria defined in the South Sudan legal framework, but entitlements are solely based on guidance in ESS 5.

Below table represents eligible groups and their entitlements, as they are anticipated. This helps standardize entitlements across the project for similar types of cases. RAPs developed for specific Project activities will also be based on socio-economic surveys and other research and insights, which feeds into the updating and refining of this matrix for each RAP.

Generally, throughout all entitlements, special assistance must be provided to vulnerable groups, depending on their needs, including in compensation payment as well as assistance in identifying new land.

Table 7 Entitlement Matrix

Asset	Type of Impact	Eligible Person or Group	Entitlement
Commercial Land	Land use permanently affected	Persons with formal legal rights to the asset	<ul style="list-style-type: none"> • Assist PAP in identifying and acquiring new land or provide monetary compensation in case of non-identification of replacement land. • Provide guarantees of land security to avoid land conflicts . • Compensation is calculated at replacement costs. Calculation takes into account market value of land of equivalent area of use with similar or improved infrastructure and services preferably located in the vicinity of the affected land, plus transaction costs such as registration and transfer taxes. • Build household/community capacity during and after compensation
		Persons with a claim to land or assets that is recognized or recognizable under national law; or persons with no recognizable legal right or claim to the land or assets they occupy or use,	<ul style="list-style-type: none"> • Assist in identifying and acquiring new land or provide monetary compensation in case of non-identification of replacement land. • Provide guarantees of land security to avoid land conflicts . • Build household/community capacity during and after compensation • Assist with identification of new rental location if temporary or permanent move necessary. • Rent and deposit refund along with relocation assistance in cash or in kind
	Limited Temporary loss	Persons with formal legal rights to the asset	<ul style="list-style-type: none"> • With restrictions on land use, compensation will be offered at replacement cost and other assistance as may be necessary to help improve or at least restore standards of living. • Build household/community capacity during and after compensation
		Persons with a claim to land or assets that is recognized or recognizable under national law; or persons with no recognizable legal right or claim to the land or assets they occupy or use ,	<ul style="list-style-type: none"> • Offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation; • Provide relocation assistance suited to the needs of each group of displaced persons. Relocation assistance in lieu of compensation for land sufficient to restore their standards of living at an adequate alternative site • New resettlement sites to offer living conditions at least equivalent to those previously enjoyed, or consistent with prevailing minimum codes or standards, whichever set of standards is higher. • Commence livelihood restoration and improvement programs in a timely fashion. • Livelihood activities must be socially acceptable for everyone involved, local leaders and host/neighbouring communities • Ensure that affected persons are sufficiently prepared to take advantage of alternative livelihood opportunities. • Build household/community capacity during and after compensation

	Premise used severely affected, remaining land not fit for use	Persons with formal legal rights to the asset	<ul style="list-style-type: none"> • Assist the PAP in identifying and acquiring new land or provide monetary compensation in case of non-identification of replacement land. • Provide guarantees of land security to avoid land conflicts . • Compensation is calculated at replacement costs. Calculation takes into account market value of land of equivalent area of use with similar or improved infrastructure and services preferably located in the vicinity of the affected land, plus transaction costs such as registration and transfer taxes. • Build household/community capacity during and after compensation
		Persons with a claim to land or assets that is recognized or recognizable under national law; or persons with no recognizable legal right or claim to the land or assets they occupy or use,	<ul style="list-style-type: none"> • Offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation; • Provide relocation assistance suited to the needs of each group of displaced persons. • Relocation assistance in lieu of compensation for land sufficient to restore their standards of living at an adequate alternative site • New resettlement sites to offer living conditions at least equivalent to those previously enjoyed, or consistent with prevailing minimum codes or standards, whichever set of standards is higher. • Commence livelihood restoration and improvement programs in a timely fashion. Livelihood activities that are socially acceptable for everyone involved, local leaders and host/neighboring communities included • Ensure that affected persons are sufficiently prepared to take advantage of alternative livelihood opportunities • Build household/community capacity during and after compensation
Residential Land (including for borrow pits)	Land used for residence affected	Persons with formal legal rights to the asset	<ul style="list-style-type: none"> • Provide new land to the PAP or provide monetary compensation in case of non-identification of replacement land. • Provide guarantees of land security to avoid land conflicts . • Compensation is calculated at replacement costs. Calculation takes into account market value of land of equivalent area of use with similar or improved infrastructure and services preferably located in the vicinity of the affected land, plus transaction costs such as registration and transfer taxes. • Rebuild the affected buildings/structures of the owners, or allow assisted self-reconstruction, or acquire replacement buildings (monetary compensation being a secondary option subject to conditions) • Build household/community capacity during and after compensation
		Persons with a claim to land or assets that is recognized or recognizable under national law;	<ul style="list-style-type: none"> • Offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation;

		or persons with no recognizable legal right or claim to the land or assets they occupy or use,	<ul style="list-style-type: none"> • Provide relocation assistance suited to the needs of each group of displaced persons. relocation assistance in lieu of compensation for land sufficient for them to restore their standards of living at an adequate alternative site • Ensure new resettlement sites offers living conditions at least equivalent to those previously enjoyed, or consistent with prevailing minimum codes or standards, whichever set of standards is higher. • Livelihood restoration and improvement programs will commence in a timely fashion. • Ensure livelihood activities that are socially acceptable for everyone involved, local leaders and host/neighbouring communities • Ensure that affected persons are sufficiently prepared to take advantage of alternative livelihood opportunities • Rebuild the affected buildings/structures of the owners, or allow assisted self-reconstruction, or acquire replacement buildings (monetary compensation being a secondary option subject to conditions)
Limited temporary loss, and the remaining land remains viable for use		Persons with formal legal rights to the asset	<ul style="list-style-type: none"> • With restrictions on land use, compensation will be offered at replacement cost and other assistance as may be necessary to help improve or at least restore standards of living. • Build household/community capacity during and after compensation
		Persons with a claim to land or assets that is recognized or recognizable under national law; or persons with no recognizable legal right or claim to the land or assets they occupy or use,	<ul style="list-style-type: none"> • Offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation; • Provide relocation assistance suited to the needs of each group of displaced persons. relocation assistance in lieu of compensation for land sufficient for them to restore their standards of living at an adequate alternative site • Ensure new resettlement sites offer living conditions at least equivalent to those previously enjoyed, or consistent with prevailing minimum codes or standards, whichever set of standards is higher. • Commence livelihood restoration and improvement programs in a timely fashion. • Ensure livelihood activities that are socially acceptable for everyone involved, local leaders and host/neighboring communities included • Ensure that affected persons are sufficiently prepared to take advantage of alternative livelihood opportunities • Build household/community capacity during and after compensation
		Persons with formal legal rights to the asset	<ul style="list-style-type: none"> • Provide new land to the PAP or provide monetary compensation in case of non-identification of replacement land. • Provide guarantees of land security to avoid land conflicts.

	Premise used for residence severely impacted, remaining area insufficient for use or smaller than minimally accepted	Persons with a claim to land or assets that is recognized or recognizable under national law; or persons with no recognizable legal right or claim to the land or assets they occupy or use, vulnerable groups	<ul style="list-style-type: none"> • Compensation is calculated at replacement costs. Calculation takes into account market value of land of equivalent area of use with similar or improved infrastructure and services preferably located in the vicinity of the affected land, plus transaction costs such as registration and transfer taxes. • Rebuild the affected buildings/structures of the owners, or allow assisted self-reconstruction, or acquire replacement buildings (monetary compensation being a secondary option subject to conditions) • Build household/community capacity during and after compensation
Agricultural or pasture land	Full use	Persons whose agricultural or pasture land (or other productive land) is in part or in total, affected by the project (including formal or no-formal tenants and squatters), vulnerable groups	<ul style="list-style-type: none"> • Offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation; • Provide relocation assistance suited to the needs of each group of displaced persons. relocation assistance in lieu of compensation for land sufficient for them to restore their standards of living at an adequate alternative site • Ensure new resettlement sites offers living conditions at least equivalent to those previously enjoyed, or consistent with prevailing minimum codes or standards, whichever set of standards is higher. • Commence livelihood restoration and improvement programs in a timely fashion. Livelihood activities that are socially acceptable for everyone involved, local leaders and host/neighbouring communities included • Ensure that affected persons are sufficiently prepared to take advantage of alternative livelihood opportunities • Rebuild the affected buildings/structures of the owners, or allow assisted self-reconstruction, or acquire replacement buildings (monetary compensation being a secondary option subject to conditions) • Build household/community capacity during and after compensation
			<ul style="list-style-type: none"> • Assist the PAP in identifying and acquiring new land. As a secondary option, provide monetary compensation in case of non-identification of replacement land, following the output valuation method. • Provide guarantees of land security to avoid land conflicts . • Compensation for lost assets is calculated at replacement cost • Provide opportunities to economically displaced persons to improve, or at least restore, their means of income-earning capacity, production levels, and standards of living. • For persons whose livelihoods are land-based, replacement land that has a combination of productive potential, locational advantages, and other factors at least equivalent to that being lost will be offered where feasible • Build household/community capacity during and after compensation

	Seasonal use	Persons whose agricultural or pasture land (or other productive land) is in part, or in total, affected by the project (including formal or no-formal tenants and squatters), vulnerable groups (e.g. pastoralists)	<ul style="list-style-type: none"> • Conduct census to identify seasonal use • Compensate market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes (following the output valuation method) • Compensate the value of the labor invested in preparing agricultural land at the average wage in the community for the same period of time. • Provide opportunities to economically displaced persons to improve, or at least restore, their means of income-earning capacity, production levels, and standards of living: • Offer for persons whose livelihoods are land-based, replacement land that has a combination of productive potential, locational advantages, and other factors at least equivalent to that being lost - where feasible.
Water sources	Full or seasonal access	Persons whose access to water sources is in part or total affected by the project	<ul style="list-style-type: none"> • Ensure access to alternative water sources
Buildings and structures	Structure partially affected, but the remaining premise remains viable for continued use	Persons with formal legal rights to the asset	<ul style="list-style-type: none"> • Compensate lost assets calculated at replacement cost • Compensate the cost of purchasing or building a replacement structure, with an area, quality, and location similar to or better than those of the affected structure; or of repairing a partially affected structure, including labor and contractors fees and transaction costs, such as registration, transfer taxes, and moving costs. <p>Compensate / replace or reallocate fixed-sale stalls and kiosks and other important businesses in such a way that there is no interruption or discontinuity in local markets.</p>
		Persons with a claim to land or assets that is recognized or recognizable under national law; or persons with no recognizable legal right or claim to the land or assets they occupy or use	<ul style="list-style-type: none"> • Offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation; • Provide relocation assistance suited to the needs of each group of displaced persons. relocation assistance in lieu of compensation for land sufficient for them to restore their standards of living at an adequate alternative site • Provide new resettlement sites that offer living conditions at least equivalent to those previously enjoyed, or consistent with prevailing minimum codes or standards, whichever set of standards is higher. • Commence livelihood restoration and improvement programs in a timely fashion. • Ensure livelihood activities that are socially acceptable for everyone involved, local leaders and host/neighboring communities included • Ensure that affected persons are sufficiently prepared to take advantage of alternative livelihood opportunities as the need to do so arises.

			<ul style="list-style-type: none"> • Ensure that fixed-sale stalls and kiosks and other important businesses are compensated / replaced/reallocated in such a way that there is no interruption or discontinuity in local markets; • Build household/community capacity during and after compensation
Entire structure affected / structure partially affected but the remaining structure is not suitable for use	Persons with formal legal rights to the asset		<ul style="list-style-type: none"> • Compensate for lost assets is calculated at replacement cost • Provide the cost of purchasing or building a replacement structure, with an area, quality, and location similar to or better than those of the affected structure; or of repairing a partially affected structure, including labor and contractors fees and transaction costs, such as registration, transfer taxes, and moving costs. • Ensure that fixed-sale stalls and kiosks and other important businesses are compensated / replaced/reallocated in such a way that there is no interruption or discontinuity in local markets
	Persons with a claim to land or assets that is recognized or recognizable under national law; or persons with no recognizable legal right or claim to the land or assets they occupy or use		<ul style="list-style-type: none"> • Offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation; • Provide relocation assistance suited to the needs of each group of displaced persons. • Relocation assistance in lieu of compensation for land sufficient for them to restore their standards of living at an adequate alternative site • Ensure new resettlement sites offer living conditions at least equivalent to those previously enjoyed, or consistent with prevailing minimum codes or standards, whichever set of standards is higher. • Commence livelihood restoration and improvement programs in a timely fashion. Livelihood activities that are socially acceptable for everyone involved, local leaders and host/neighboring communities included • Ensure that affected persons are sufficiently prepared to take advantage of alternative livelihood opportunities as the need to do so arises. • Ensure that fixed-sale stalls and kiosks and other important businesses are compensated / replaced/reallocated in such a way that there is no interruption or discontinuity in local markets; • Build household/community capacity during and after compensation
	persons with no recognizable legal right or claim to the land or assets they occupy or use		<ul style="list-style-type: none"> • Compensate with cash compensation equivalent to one month of net income based on estimates from comparable businesses • Ensure right to salvage material without deduction from compensation • Ensure relocation assistance to cover moving costs • Ensure that fixed-sale stalls and kiosks and other important businesses are compensated / replaced/reallocated in such a way that there is no interruption or discontinuity in local markets;

			<ul style="list-style-type: none"> • Build household/community capacity during and after compensation
		All PAPs	<ul style="list-style-type: none"> • Provide arrangements to allow dwellers to obtain adequate housing with security of tenure • Compensate for the loss of assets other than land where dwellers own structure, such as dwelling and other improvements to the land - at replacement cost • Provide, based on consultation with affected persons, relocation assistance in lieu of compensation for land sufficient for them to restore their standard of living at an adequate alternative site • Ensure that fixed-sale stalls and kiosks and other important businesses are compensated / replaced/reallocated in such a way that there is no interruption or discontinuity in local markets;
Communal Structures	Communal structure affected		<ul style="list-style-type: none"> • Compensate for lost assets calculated at replacement cost • Compensate the cost of purchasing or building a replacement structure, with an area, quality, and location similar to or better than those of the affected structure; or of repairing a partially affected structure, including labor and contractors fees and transaction costs, such as registration, transfer taxes, and moving costs. • Build household/community capacity during and after compensation
Cultural Heritage Sites	Cultural heritage site affected	All PAPs	<ul style="list-style-type: none"> • Subprojects affecting cultural heritage sites will be ruled out.
resources or ecosystem services	Loss of access to resources	All PAPs	<ul style="list-style-type: none"> • Provide alternative access
Trees - timber	Cut/uprooted (loss of timber)	All PAPs	<ul style="list-style-type: none"> • Compensate for lost assets calculated at replacement cost - the market value of the natural resources • Provide or facilitate access to similar resources elsewhere, taking into account the impacts at the alternative location, providing cash compensation only when it can be demonstrated that no feasible alternative measures are available • Build household/community capacity during and after compensation
Fruit trees	Cut/uprooted (loss of fruit)	All PAPs	<ul style="list-style-type: none"> • Compensate for lost assets calculated at replacement cost - The market value of the natural resources • Provide or facilitate access to similar resources elsewhere, taking into account the impacts at the alternative location, providing cash compensation only when it can be demonstrated that no feasible alternative measures are available • Build household/community capacity during and after compensation
Standing Crops	Crops affected by land acquisition or temporary	All PAPs	<ul style="list-style-type: none"> • Compensate for lost assets calculated at replacement cost - The market value of the natural resources

	acquisition or easement		<ul style="list-style-type: none"> • Provide or facilitate access to similar resources elsewhere, taking into account the impacts at the alternative location, providing cash compensation only when it can be demonstrated that no feasible alternative measures are available • Provide assistance that includes agricultural inputs, transport, etc. to continue agricultural / commercial practices elsewhere or guidance on alternative livelihood strategies. • Build household/community capacity during and after compensation
Business	Loss of access	All PAPs	<ul style="list-style-type: none"> • Compensate economically displaced persons who face loss of assets or access to assets for such loss at replacement cost • Compensate - In cases where land acquisition or restrictions on land use affect commercial enterprises, affected business owners - for the cost of identifying a viable alternative location; for lost net income during the period of transition; for the cost of the transfer and reinstallation of the plant, machinery, or other equipment; and for reestablishing commercial activities. • Provide assistance for affected employees for temporary loss of wages and, if necessary, assistance in identifying alternative employment opportunities; • Provide assistance including agricultural inputs, transport, etc. to continue agricultural / commercial practices elsewhere or guidance on alternative livelihood strategies.

7.5 Voluntary Land Donation

As individual land ownership and respective land titling is not widely established, the project considers any household using lands prior to disclosed subproject commencement as having legitimate land use rights and such rights can be donated freely to the project according to the above provisions, if the noted land is considered necessary for subproject implementation. Thus, in the following paragraphs “owner” refers to the owner of land-use-rights. However, such ‘ownership’ has to be based on thorough due diligence given the high potential for conflicting ownership perceptions.

Voluntary land donations should generally be discouraged given the overwhelming vulnerability of PAPs. The application of VLD should be by exception, limited to formal owners or empty areas to which there are no claims and where there are no permanent, seasonal or temporary users as verified by the PIU in consultation with the communities, PAPs and pastoralist groups in the areas. Voluntary land donations should only be authorized for sub-projects if they can clearly document (a) the potential donor or donors have been appropriately informed and consulted about the project and the choices available to them; (b) potential donors are aware that refusal is an option, and have confirmed in writing their willingness to proceed with the donation; (c) the amount of land being donated is minor and will not reduce the donor’s remaining land area below that required to maintain the donor’s livelihood at current levels; (d) no household relocation is involved; (e) the donor is expected to benefit directly from the project; and (f) for community or collective land, donation can only occur with the consent of individuals using or occupying the land. Procedures must be put into place to ensure that the donation is indeed voluntary, that the donor is the legitimate owner of land-use-rights on such lands, and that the donor is fully informed of the purpose of the donation and of the implications of donating the property. If the land is donated on a conditional basis, the terms and conditions for the temporary use of the property must be clearly documented.

The following basic provisions must be complied with:

- Land donated must be subject to prior due diligence process to establish ‘ownership’
- The land is empty and there are no claims and no permanent, seasonal or temporary users. In case of any any identified use or claim, compensation should be provided.
- Community-owned land to be donated must be identified by the community through a participatory approach (this approach should include the chiefs; however, chiefs will not be able to decide alone on land donations). Potential permanent, seasonal or temporary use of the land should be compensated.
- Impacts of proposed activities on donated land must be fully explained to the donor
- The potential donor is aware that refusal is an option, and that right of refusal is specified in the donation document the donor will sign
- The act of donation is undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities
- The donor may request monetary or non-monetary benefits or incentives as a condition for donation
- The proportion of land that may be donated cannot exceed the area required to maintain the donor’s livelihood or that of his/her household. It should not exceed 10%.
- Donation of land cannot occur if it requires any household relocation
- For community or collective land, donation can only occur with the consent of individuals using or occupying the land; land donations by chiefs or other communal authorities is not sufficient.
- Verification must be obtained from each person donating land (through proper documentation)

- IOM or other Implementing Partners establish that the land to be donated is free of encumbrances or encroachment and registers the donated land in an official land registry
- Any donated land that is not used for its agreed purpose is returned to the donor.

Each instance of voluntary land donation in a sub-project must be documented. This requires written notification indicating the location and amount of land that is sought and its intended use for the subproject, and requires a formal statement of donation, establishing informed consent and signed by each owner or user involved. Taxes to be paid by the land donator for registration of the land transfer, if applicable, should be covered in full by the implementation agency. The implementation agency maintains a record with documentation for each instance of land donation. The documentation is made available for review in any grievance that may arise, and is provided to the World Bank upon request.

The project must specify the means by which land donors (and, potentially, persons whose use or occupancy was not recognized in the transfer of land) may raise grievances and measures to ensure consideration of, and timely response to, grievances raised. The grievance process includes participation of reviewers not directly affiliated to the project implementing agency. Grievances may be referred to customary conflict mediation arrangements where they are not directly affiliated with traditional leaders who are a party to the donation process. Alternatively, grievances may be referred to grievance mechanisms established for project purposes. The grievance process imposes no cost upon those raising grievances, and participation in the grievance process does not preclude pursuit of legal remedies under the laws of the country.

It is possible to distinguish between “pure” donations without any compensation or support given to the person affected, vis-à-vis “partial” donations which involve some monetary or non-monetary benefits or incentives provided to the affected person. Both can be broadly classified as “voluntary donations” in the sense that the transfer of assets is done without involving the payment of compensation at replacement value. The project will apply the “partial” donation approach for vulnerable households, to avoid even small donations leading to livelihood impacts and will provide additional support to ensure no impact from the land donation. Voluntary land donation may be allowed if no viable alternative exists, as long as the donation is to the benefit of the donor (such as a road rehabilitation project that will also benefit the owner of a small piece of land to be donated for the road works) but always conditional on the application of the above noted provisions. Voluntary land donations cannot exceed 10% of the PAP’s property to not adversely impacts his / her livelihoods. If this amount is exceeded, proper compensation payments should be considered. Backyard small gardens, in which women often produce food for the family, generally must be avoided in such voluntary donations to not affect livelihoods (see ESMF negative project list).

All family members (including spouses) must be aware of the donation and must sign the documents, in order to minimize the risks of women users of the land being donated being passed over in decision-making on land donation and the risks of cross-generational conflicts. Individuals using or occupying community or collective lands must provide consent to the donation to minimize the risks of settlers or migrants being passed over in decision-making about land donation. The prior assessment of a subproject shall also take into consideration temporary users of lands and/or eventual access issues for them, including to water sources and in such cases ensure agreement on the subproject with such groups (e.g. pastoralists). Groups, like pastoralists shall be specifically consulted even if they are currently residing in different locations. Their locations must be identified and consultations need to take place at their location.

Land donation processes will be monitored by the respective Implementing Partner with involvement of community members. Monitoring will take place prior to commencement of activities and throughout sub-project implementation. Furthermore, the Implementing Partner will ensure that the Project GRM have been posted in the respective community and that every potential donor has been made aware of the mechanism.

8. Grievance Redress Mechanism (GRM)

8.1 Introduction

Under the World Bank ESSs²³, Bank-supported projects are required to facilitate mechanisms that address concerns and grievances that arise in connection with a project.²⁴ One of the key objectives of ESS 10 (Stakeholder Engagement and Information Disclosure) is 'to provide project-affected parties with accessible and inclusive means to raise issues and grievances and allow borrowers to respond and manage such grievances'.²⁵ This Project GRM facilitates the project to respond to concerns and grievances of the project-affected parties related to the environmental and social performance of the project. The ECRP-II provides mechanisms to receive and facilitate resolutions to such concerns. This section lays out the grievance redressal mechanisms (GRM) for the ECRP-II. The GRM is designed in accordance with the Project's SEP and ESMF.

8.2 Anticipated Grievances

The GRM are also designed to capture any grievances of PAPs in relation to land and resettlement issues, as well as the high potential for conflict, identified in the socio-economic baseline and risks and impact sections above. For example, there is concern that there may be disagreements over local land ownership or usage, and grievances in regards to compensation amounts and processes. Furthermore, the activity itself may cause grievances, or existing community and inter-community tensions may play out through the activity. The source of grievances, in regard to project implementation, can also sometimes be the local governance or power distribution itself, e.g. how local government and power holders routinely place brokers in privileged positions or how district or subdistrict local governments are able to favor some communities and not others, for example.

It is therefore key in the fragile environment of South Sudan to ensure that land and resettlement related grievances and perceived injustices are handled by the project's GRM, and that the project aides mitigate general conflict stresses by channeling grievances that occur between people, groups, government actors

²³ World Bank, Environmental and Social Framework, 2018.

²⁴ Under ESS 2 (Labour and Working Conditions), a grievance mechanism for all direct or contracted workers is prescribed, which is laid out in the Labour Management Plan (LMP). The World Bank's Good Practice Note on 'Addressing Gender Based Violence in Investment Project Financing involving Major Civil Works'²⁴ spells out requirements for a GBV grievance redress mechanisms, which is laid out in a separate GBV/SEA and Child Protection Risks Action Plan.

²⁵ World Bank, 2018, p. 131.

and beneficiaries and project staff or contractors. Aggrieved parties need to be able to refer to institutions, instruments, methods and processes by which a resolution to a grievance is sought and provided. The GRMs provide an effective avenue for expressing concerns, providing redress and allowing for general feedback from community members.

8.3 GRM Value Chain

Step 1: Grievance Uptake: Multiple channels are available for aggrieved parties to file their complaint, grievance, or feedback. The aggrieved party must be able to select the most efficient institution, the most accessible means of filing a grievance, and must be able to circumvent partial stakeholders in the project, which may be implicated in the complaint. He or she must further be able to bypass some grievance channels that are perceived as potentially not responsive or biased.

Means of Filing a Grievance

There are four distinct means, at least two of which must be made available at the project locality for people to file a grievance:

1. A phone number for a hotline operator: The phone number of a grievance hotline operator must be widely disseminated among project stakeholders. The Hotline Operator is available from 8.00 am to 5.00 pm every day through a toll-free number. The hotline operator is set up and managed by the PMU. Any concerned party can call the hotline number and file a grievance with the Project.
2. A help desk must be set up by the respective IP during the implementation of sub-project activities in an area. It should be manned by the implementing staff, especially its community liaison officers, in close coordination with local authorities. At the help desk, PAPs can inquire about information in regard to project activities, or they can file a grievance directly with the person manning the desk.
3. Relevant assigned personnel available in each project site will be required to accept formal grievances and ensure that avenues for lodging grievances are accessible to the public and all PAPs. The first point of contact for all potential grievances from community members may be the contractor, implementing partner or the local government official. Such personnel will be required to accept formal grievances; or they can point out the Hotline Operator's number, the Help Desk or Suggestion Box. If no reasonable other modality of filing a grievance is available for the respective complainant, the staff has to accept and register the grievance.
4. A suggestion box must be installed at the nearest Boma or Payam office of the sub-project site. Suggestion boxes provide a more anonymous way of filing a grievance or for providing feedback. Grievances or feedback submitted to the Suggestion Box must be expressed in writing.

For all other grievances, the respective Implementing Partner at the state level decides whether the grievance can be solved locally, with local authorities, implementers, or contractors and whether an investigation is required. In any case, the grievance must be reported to the PIU. The PIU will further validate the decision to investigate or not investigate a grievance. The first ports of call has in-depth knowledge of communal socio-political structures and is therefore be able to address the appropriate individuals if the case can be solved at the local level.

At all times, the IP provides feedback promptly to the aggrieved party, for example through the phone or through the community facilitator. Feedback is also communicated through stakeholder meetings and beneficiary meetings during project activities. For sensitive issues, feedback is given to the concerned persons bilaterally.

Records of all feedback and grievances reported are established by the implementing partner or the PMU. All feedback is documented and categorized for reporting and/ or follow-up if necessary. For all mechanisms, data is captured in an excel spreadsheet. The information collected, where possible, should include the name of the person providing feedback as well as the boma, Payam and county, cooperating partner (where applicable), the project activity and the nature of feedback or complaint.

Step 2: Sort and Process: All registered grievances are transferred to the GRM Focal Point at the respective PMU or with IOM at state or national level – either by the Hotline Operator, local personnel, or the Help Desk Officer. The GRM focal point categorizes the complaint. Worker-related grievances are handed over to a workers’ GRM. Where grievances are of sexual nature and can be categorized as GBV/SEAH or child protection risk, the focal point has to handle the case appropriately, and refer the case to the GBV reporting protocols and referral system, defined in the GBV/SEAH and Child Protection Prevention and Response Plan. Dedicated training on how to respond to and manage complaints related to GBV/SEAH is required for all GRM operators and relevant project staff.

For grievances handled under the general Project GRM, the GRM Focal Point determines the most competent and effective level for redress and the most effective grievance redress approach. The focal point further assigns timelines for follow-up steps based on the priority of the grievance, and makes a judgment and reassign the grievance to the appropriate staff or institution. The person excludes grievances that are handled elsewhere (e.g. at the court). The focal point offers the complainant option/s for resolution of their grievance.

The GRM Focal Point also transfers the grievance information into a more comprehensive grievance register.

Step 3: Acknowledgement and Follow-Up: The Implementing Partners or the PMU decide whether a grievance can be solved locally, with local authorities, contractors, or NGOs, and whether an investigation is required. The first ports of call has in-depth knowledge of communal socio- political structures and therefore is able to recommend to the GRM Focal Point the appropriate individuals that could be addressed with the case, if the case can be solved at the local level.

At all times, the implementer or the PMU (the GRM Focal Point) provides feedback promptly to the aggrieved party (unless the case was filed anonymously), within 5 working days after the grievance is filed. Feedback can be provided through the phone, in writing or through the community facilitators. Feedback is also communicated through stakeholder meetings and beneficiary meetings during Project activities. For sensitive issues, feedback is given to the concerned persons bilaterally.

Step 4: Verify, Investigate and Act: The GRM Focal Point, then undertake activity-related steps in a timely manner. The activities include: verifying, investigating, redress action and plan.

Verification:

- Check for eligibility (objectively based on set standards and criteria) of complaint in terms of relevance to the project.
- Escalate outright grievances that require high level interventions within the implementer or PMU
- Refer outright grievances that are outside the project jurisdiction (e.g. refer to PMU or relevant external institution)

Once eligibility is determined, the IP categorizes the complaint into defined categories:

Investigation:

- GRM Focal Point to appoint an independent investigator (safeguards experts, professional outside the Implementing institution) who is a neutral investigator with no stake in the outcome of the investigation
- Collect basic information (reports, interviews with other stakeholders while ensuring triangulation of information, photos, videos)
- Collect and preserve evidence
- Analyze to establish facts and compile a report

Grievance Action Plan

- Based on the findings determine the next steps and make recommendations: (i) direct comprehensive response and details of redress action; (ii) referral to the appropriate institution to handle the grievance, where the IP has no jurisdiction
- undertake mutually agreed follow-actions
- Update of complainant
- Provide users with a grievance redress status update and outcome at each stage of redress, (iii) update the IP team on grievance redress across the GRM value chain.

Step 5: Monitor, Evaluate and Provide Feedback: The GRM Focal Point provides feedback to GRM users and the public at large about:

- results of investigations;
- actions taken;
- why GRM is important;
- enhance the visibility of the GRM among beneficiaries; and
- increase in users' trust in the GRM

Any implementer report on its GRM to the PMU on a monthly basis. Monthly reporting to the PMU provides information on the grievance and how it was handled as well as all information from the grievance register. However, it omits the names of the aggrieved parties where necessary.

The PMU undertakes the following monitoring actions:

- develop indicators for monitoring the steps of GRM value chain;
- track grievances and assess the extent to which progress is being made to resolve them;
- conduct a stakeholder satisfaction survey for the GRM services
- conduct analysis on the raw data on the following: average time to resolve grievances, percentage of complainants satisfied with action taken, and number of grievances resolved at first point of contact
- provide a report on grievance redress actions pertaining to the steps of GRM value chain

The PIU evaluates the GRM by

- analyzing grievance data to reveal trends and patterns,
- sharing GRM analysis in management meetings; and
- taking corrective action on project implementation approaches to address the grievance

SEA/SH-related Grievances: Given the sensitive nature of GBV complaints, all grievance uptake channels can be used to report on Sexual Exploitation and Abuse (SEA) and Sexual Harassment (SH)- related grievances. No grievance uptake mechanism can reject such grievances, and all personnel directly receiving grievances will be trained in the handling and processing of SEA/SH-related grievances. Information on relevant legislation will be delivered to survivors prior to any disclosure of case details. This will allow protect the survivor-centered approach from mandatory reporting.

The GBV survivor has the freedom and right to report an incident to anyone: project staff, GBV case manager, local authorities. All recipients of the report should – with the survivor’s informed consent – report the case to one of the Project’s formal GRM. Furthermore, a survivor can ask someone else to act as a survivor advocate and report on her/his behalf.

The grievance recipient will be responsible for the recording and registration of the complaint. A GRM operator cannot reject a SEA/SH complaint. At the same time, however, the project can only respond to a SEA/SH complaint if it is directed into the designated GRM channels. All recipient channels will be prepared to transfer the survivor to GBV referral services.

Confidentiality: All grievance recipients and anyone handling the SEA/SH-related grievances must maintain absolute confidentiality in regard to the case and in a survivor-centered manner. Maintaining confidentiality means not disclosing any information at any time to any party without the informed consent of the person concerned. There are exceptions under distinct circumstances, for example a) if the survivor is an adult who threatens his or her own life or who is directly threatening the safety of others, in which case referrals to lifesaving services should be sought; b) if the survivor is a child and there are concerns for the child’s health and safety. The survivors need to be informed about these exceptions.

Informed Consent: The survivor can only give approval to the processing of a case when he or she has been fully informed about all relevant facts. The survivor must fully understand the consequences of actions when providing informed consent for a case to be taken up. Asking for consent means asking the permission of the survivor to share information about him/her with others (for instance, with referral services and/or IPs or PIU), and/or to undertake any action (for instance investigation of the case). Under no circumstances should the survivor be pressured to consent to any conversation, assessment, investigation or other intervention with which she does not feel comfortable. A survivor can also at any time decide to stop consent. If a survivor does not consent to sharing information, then only non-identifying information can be released or reported on. In the case of children, informed consent is normally requested from a parent or legal guardian and the children.

8.4 Capacity Building for GRM

Training and capacity building is provided on the project GRM to all PAPs at the activity site and other relevant stakeholders. Depending on the level, these trainings are undertaken either by project community mobilizers, or directly by IOM or the PMU. Other GRM training sessions is provided to the relevant local government authorities in project locations, on a monthly basis during the implementation

of activities by IOM. These trainings ensure that all PAPs and all relevant authorities understand the operation of the GRM and feel confident to either file grievances directly or guide PAPs where to file grievances.

8.5 Promotion of the GRM

The SEP stipulates how the project will create awareness of the modalities of the GRM among all project stakeholders, in particular groups identified as vulnerable. It defines the different ways and means through which information on the GRM is provided to all types of stakeholders, and how throughout the project implementation consultations will continue to elaborate on potentially necessary amendments to the SEP and the GRM.

8.6 WB's Grievance Redress Service (GRS)

Communities and individuals who believe that they are adversely affected by a World Bank supported project may submit complaints to existing project-level grievance redress mechanisms or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org

9. Budget and Arrangements for Funding

The costs in this section are estimated based on current market values, taking into account that the activities are implemented over the next 4 years.

The items are covered in the following way:

- Preparation and Implementation of RAPs and LRPs (including awareness raising on GRM, community capacity building to monitor and report on progress and issues).
- 40 RAP/LRPs are budgeted for an average of 20 affected households per plan.
- The cost of management, supervision and technical assistance of compensation by local authorities and IOM and other Implementing Partners
- Mitigation measures during implementation
- Construction of replacement houses, cash compensation for loss of crops and few structures
- Livelihood restoration and assistance to vulnerable persons.
- M&E costs include an audit if necessary, on compensation that may have also required significant livelihoods restoration support

Table 8 Items to be covered and estimated budget

Nr.	Item	Quantity	Unit Cost US\$	Total Amount in US\$	Source of Funds
1	Management Organization and Supervision (IP and PMU) - Cost of travel / trip	10	10,000	100,000	Project
2	Preparation of RAP or LRP - including community consultation and district government participation in assessing assets - extensive field survey	40 consultations / surveys	5,000	200,000	Project
3	Implementation of RAP or LRP - Implementation of RAP/LRP by IP - additional assistance to PAPs and livelihood restoration activities, training and community consultation, participation of district government personnel.	40 consultations /trainings	10,000	400,000	Project
4	Technical assistance (resettlement specialist) - hiring of a resettlement/community land development specialist and trainings (20 x 6 days x 500 USD)	2	60,000	120,000	Project
5	Construction of replacement houses	600	15,000	900,000	Local authorities
6	Cash compensation measures (crops, good / physical property) - In-kind and cash compensations for trees, crops, physical and commercial goods/properties, and interrupted income.	40	10,000	400,000	Local authorities
7	Livelihood restoration - ensure affected persons restore their income and livelihoods to pre-project levels	40 x restoration assistance	5,000	200,000	Local authorities

8	Assistance to vulnerable persons	40 assistance package to vulnerable groups in community	x 5,000	200,000	Local authorities
9	External evaluation by consultant (20 days x 500)	40	10,000	400,000	Project
	TOTAL estimate for implementation of RPF			2,920,000	

ECRP-II AF funds will be used to prepare the RPFs and LRPs. This includes staff costs for the PMU and Implementing Partners, management and supervision costs as well as the costs of facilitators of implementation, GRM, monitoring and evaluation of all compensation and mitigation measures. All compensations (in-kind and cash), provision of alternative land right where applicable, construction of replacement houses will be covered by the respective local government in South Sudan. Since the exact subprojects are not known yet, it cannot be stated that the funds are available yet. If funds are not available or the local authorities reject payment, exemptions can be requested to the Project. Local authorities will further be supported by the Implementing Partners in all aspects of the implementation, given the potential lack of capacity.

10. Information Disclosure

Adequate consultations accompany the preparation of the RAPs and LRPs. Consultations involve PAPs, other local community members, local authorities including Payam and Boma chiefs, as well as other leaders. PAPs must be informed about the activities, their scope and the intention to use the site for project activities and structures. The PAPs and other stakeholders must be made aware of their options and compensation entitlements (in kind and in cash); the precise technically and economically feasible options and alternatives for replacement agriculture sites or other assets; the process and proposed dates for compensation; effective compensation rates (at full replacement cost) for loss of assets, services or ancillary items; and the proposed measures and costs to maintain or improve their livelihoods. During consultations, entitlement criteria for compensation is clarified, and details of the Project GRM communicated.

Activities follow the SEP in the implementation of consultations.

11. Monitoring & Evaluation of Impacts

Monitoring of project activities as they relate to the RPF help review any impacts on persons by the activity, and help understand if mitigation measures improve (or at least restore) incomes, livelihoods and living standards. The Project therefore implements monitoring and evaluations, as part of the general Project M&E Plan. The concrete objectives of the monitoring are to determine whether PAPs were paid in full and whether they were paid prior to the activity implementation; whether PAPs have a better standard of living than before, or at least if their standards of living are unchanged; whether grievances

were solved in a timely manner; whether assistance to vulnerable persons was provided; and whether livelihood restoration was effective.

The specific instruments to be prepared, the RAPs and LRPs, indicate the parameters to be monitored. They provide the concrete monitoring tools and frameworks and indicate the resources required to carry out the monitoring. The monitoring activities will include RAP completion audits.

The monitoring and evaluation processes is closely linked to the Project's general M&E Plan, and is embedded in the broader monitoring of environmental and social monitoring plans as part of the implementation of the ESMF and other E&S instruments. With that, the overall monitoring of the implementation of the RPF and its related instruments will be the responsibility of the PMU, especially the Social Specialist embedded in the PMU. However, the detailed monitoring and data collection on the implementation of the RAPs and LRPs sits with the Implementing Partners.

12.1 Periodic Monitoring

Periodic monitoring is made and progress reports prepared, which assess the effectiveness of the system, report on the number of grievances and complaints, resolutions and pending cases, and allow for a trend analysis. Consultations with community members, including vulnerable groups, allow for participatory monitoring of impact indicators of the RAPs and LRPs. In case of any issues identified during monitoring, redress or assistance is provided. Local stakeholders identified in the SEP and activity-specific SEPs act as the main local interlocutors in the monitoring exercises. Implementing Partners collect monitoring data and confirm it with these community stakeholders. Results are captured in the progress reports.

Monitoring and reporting collect and present data on the implementation of the respective RAPs and LRPs, in view of: the status of the assets, occupation and living conditions, and supervision of implementation of compensation as agreed upon with the PAPs; implementation status of all aspects of the RAP/LRP; timely and sufficient disbursement of funds; list of complaints and grievances and their status and responses to them; livelihoods restoration progress.

The Implementing Partners' E&S Specialists travel to activity sites and will monitor RAP and LRP implementation using a performance review checklist that has been prepared for in the RAP or LRP. The Specialists keep a record of information from monitoring the RAP/LRP and prepare a report on the conclusion of compensation for presentation in consultation with the PAPs. Corrective actions are taken whenever deviations are identified.

Implementing Partners then prepare regular progress reports in an agreed format focusing on performance indicators which then will be presented to the PMU for approval.

12.2 Final Evaluation

A final evaluation is implemented in order to determine the resettlement results. This helps ensure that the resettlement process has been completed and that livelihoods are properly restored. The evaluations further provide lessons and help improve future RAP and LRPs. The evaluation includes leadership dynamics, representation, and equality and treatment of individuals vulnerable to particular difficulties.

The evaluation is undertaken by the Third Party Monitor (TPM) who was recruited as an independent contractor by the PMU for the entire ECRP-II. If necessary, a final audit can be conducted on the outcomes of the compensation.

The evaluation process is participatory and includes the PAPs and other relevant stakeholders at the payam and boma levels. It is implemented after the RAP or LRP has been concluded.

The TPM-led evaluation is include an evaluation of the inventory survey, or the socio-economic project impact on the PAPs, on the supervision of the implementation of the RAPs and LRPs, an assessment whether the RAPs and LRPs improved or at least maintained the living standards of the PAPs.

12.3 Indicators

The two key objectives of the RAPs or LRPs are to allow PAPs to maintain their quality of life prior to the activity, and if they subsequently are able to improve it; and that local communities continue to support the project. These two objectives also guide the main indicators during the monitoring and evaluation processes.

Detailed indicators will be used to help determine the situation of PAPs in before and after the implementation of the RAP or LRF. Baseline data for the 'before' situation will be established through household or other surveys during the preparation of the RAPs or LRPs. The data will include the sources of livelihoods, land use, housing patterns, household incomes, access to services, number of children in school, and health standards. Basic indicators must be listed and included in the baseline at RAP preparation.

Presented below are some output and outcome indicators that can be used in the RAPs and LRPs and can help guide the monitoring and evaluation processes.

Table 9 Sample Indicators

Type of Activity	Sample indicators
Identification of all involved parties and their profiling and definition of roles and responsibilities	List of relevant project stakeholders
Handling of effective management and reporting system	Household data sheets Final contracts/agreements with the PAPs GRM
Implementation of formal notification of all PAPs of intention to acquire land and the need for resettlement and initial dissemination of RAP schedule	# of radio, leaflets, letters, word of mouth, meetings dedicated to notification of land taking
Continuous communication and dissemination of information to all stakeholders, including on cut-off dates	# of radio shows, leaflets, letters, word of mouth, meetings dedicated to communication of cut-off dates and other issues related to the RPF or LRP
Demarcation of authorized area to be affected	# of stickers or other markers demarcating area of Impact
Tracking and finding absent PAPs	# of PAPs identified after RAP commencement

Prepare PAPs for receipt of compensation; e.g. communication on impacts and options for compensation	Minutes of meetings on project impacts and options for compensation
Prepare lists of PAPs to be compensated according to method of payment.	Lists and # of PAPs and entitlements
Oversee that PAPs receive cash compensation	% of PAPs with compensation paid
Ensure that areas vacated are not encroached again	# of incidents of encroachment
Handling of grievances filed in regards to land and resettlement issues	Number of grievances filed, timelines and status of resolution % of PAPs satisfied with resolution
Assisting compensated households to normalize and where possible to improve their livelihood systems in relevant areas	Assessment of income and livelihoods in project-affected areas as compared to pre-RAP implementation % of PAPs that report improved livelihoods % of PAPs that report normalized livelihoods systems
Restoration of living standards	Status of entitlements Status of alternative suitable house provided Status of housing compliance to agreed standards Status of payment of transitional and other allowances Status of provision of special needs of vulnerable groups.
Restoration of livelihoods	Status of provision of training to PAPs % of PAPs with change in income status Status of livelihoods and access to services (improved or at least the same as pre- displacement) Additional measures required to improve livelihood
Implement baseline study	Baseline Studies prepared
Implement Final Evaluation	Final RAP Report by IVA

12. Capacity Development

It is assumed that the capacity of some local government partners in handling issues of involuntary resettlement as described in this framework. When E&S screening outcome indicate the necessity to the application of this RPF for a sub-project, the Implementing Partners will conduct a brief assessment of the local government partners and their capacity to implement the required activities. Where it is assessed that there is a significant lack of capacity, the Implementing Partners will undertake capacity development of the specific local entities, following an MoU with the respective local authority, either directly through the Social Specialist of the Implementing Partner or a specialist consultant recruited for this purpose. Capacity development activities will be included as a deliverable and budgeted for in the Implementing Partners' contracts. Local entities will be trained in the necessary activities prior to the implantation of RAPs or similar documents.

Resources

Advocates for International Development (A4ID): Land Acquisition in South Sudan. Emptying the Bread Basket, accessed at: https://www.a4id.org/student_blog/land-aquisition-in-sudan-and-south-sudan

IFC, Handbook for Preparing a Resettlement Action Plan, Undated

Government of South Sudan, Ministry of Finance and Planning, ECRP-II, Draft Stakeholder Engagement Plan (SEP)

Government of South Sudan, Ministry of Finance and Planning, ECRP-II Stakeholder Engagement Plan, p.22

Shelter NFI Cluster South Sudan, Key Housing, Land and Property (HLP) Issues in Urban Areas of South Sudan, 2014

South Sudan Law Society, David K. Deng, South Sudan Country Report. Findings of the Land Governance Assessment Framework, 2014, accessed at:

<https://documents1.worldbank.org/curated/en/756521504872888898/pdf/119635-WP-P095390-PUBLIC-7-9-2017-10-34-1-SouthSudanCountryReport.pdf>

USAID, Country Profile South Sudan, Property Rights and Resource Governance, accessed at:

https://www.land-links.org/wp-content/uploads/2016/09/USAID_Land_Tenure_South_Sudan_Profile-1.pdf

World Bank, Involuntary Resettlement Sourcebook, Planning and Implementing in Development Projects, 2004

World Bank, Good Practice Note on 'Addressing Gender Based Violence in Investment Project Financing involving Major Civil Works'

World Bank, Environmental and Social Framework (ESF), ESS 5, 2018,

Annex 1: ESMF and RPF Screening Form

SOCIAL AND ENVIRONMENTAL SCREENING FORM – ECRP-II AF CDD-Type Subprojects

Table 10 E&S Screening Form

SECTION A: GENERAL INFORMATION

	Social and Environmental Screening Report – ECRP-II CDD-Type Subprojects
<p>Projects are screened for their inherent social and environmental risks regardless of planned mitigation and management measures prior to initiation of any physical activities. It is necessary to identify potential inherent risks in the event that mitigation measures are not implemented or fail. This means that risks should be identified as if no mitigation or management measures were to be put in place.</p>	
SECTION A: General Information	
Date of screening	
Subproject title	
Subproject component	
Implementing Agency	
Proposed project budget	
Proposed project duration	
ES Screening Team Leader and Contact Details	
ES Screening Team Members	
Subproject/Site/Activity location	

Project Description. Briefly describe project activities, activities that interact with the ES	
Categorize Project Activities into High, Substantial, Moderate or Low, Refer to Project Description and Project Categories	

Potential Environmental/Social Risks Impacts of Activities					
Risk Category <i>(Please check each line appropriately. At this stage, questions are answered without considering magnitude of impact – only yes, no or I don't know are applicable answers)</i>	Yes	No	I don't know	If these risks ('yes') are present, refer to:	Comments
ESS 1: Assessment and Management of Environmental and Social Risks and Impacts					
Is an Environmental and/or Social Assessment required where project is undertaken?				ESMF	
Is there a risk of diversion of project benefits?				Stakeholder Engagement Plan (SEP) Grievance Redress Mechanisms (GRM)	
Is there a risk of lack of monitoring of project activities due to remoteness of location and insecurity?				Security Management Plan (SMP)	
Is there a risk that project benefits may not reach truly vulnerable populations?				Stakeholder Engagement Plan (SEP) Grievance Redress Mechanism (GRM)	
Is there a risk that subprojects may be manipulated by different factions?				Stakeholder Engagement Plan (SEP) Grievance Redress Mechanism (GRM)	
Is there a risk that the selection of the activity location or beneficiaries will lead to conflict?				Security Management Plan (SMP) Grievance Redress Mechanisms (GRM)	
Does the activity pose a security risk for local staff?				Security Management Plan (SMP)	
Is there a risk that the activity firms up contested local authority structures?				Stakeholder Engagement Plan (SEP) Grievance Redress Mechanism (GRM)	
ESS 2: Labor and Working Conditions					
Does the activity include any of the known labor rights / ESS 2 non-compliance risks in South Sudan (child and forced labor)?				Labor Management Procedures (LMP) Occupational Health and Safety Plan (OHS)	
Does the activity include a construction component?				Labor Management Procedures (LMP) ESMF Occupational Health and Safety Plan (OHS)	
Does the activity include labor-intensive manufacturing?				Labor Management Procedures (LMP)	

			Occupational Health and Safety Plan (OHS)	
Does the activity include primary agricultural activities?			Labor Management Procedures (LMP) Occupational Health and Safety Plan (OHS)	
Will the activity require a larger contractor workforce?			Labor Management Procedures (LMP) Occupational Health and Safety Plan (OHS) ESMF	
Is there a security risk for Project Workers?			Security Management Plan (SMP)	
Is there a risk that the operation and maintenance of subproject facilities cause OHS issues?			Occupational Health and Safety Plan (OHS)	
Is there a risk of lacking OHS for workers at the construction site?			Occupational Health and Safety Plan (OHS)	
Is there a risk of delayed payment of workers?			Labor Management Procedures (LMP)	
Is there a risk that workers are underpaid?			Labor Management Procedures (LMP)	
Is there a risk that women will not be included in deployment in equal numbers?			Labor Management Procedures (LMP) GBV Action Plan	
Is there a risk that provision of employment or contracts sparks conflicts?			Security Management Plan (SMP) Grievance Redress Mechanisms (GRM)	
ESS 3: Resource Efficiency and Pollution Prevention Management				
Will the activity result in the production of solid waste? (directly by the project or by workforce)			Waste Management Plan, based on <i>WBG Environmental, Health, and Safety General Guidelines</i>	
Will the activity result in the production of toxic or hazardous waste? (e.g. used oils, inflammable products, pesticides, solvents, pharmaceuticals, industrial chemicals, ozone depleting substances)			C-ESMP	
Will the activity result in the generation of dust, noise?			C-ESMP	
Will the activity result in soil erosion?			C-ESMP	
Will the activity produce effluents (waste water)?			C-ESMP Waste Management Plan	
Will the activity result in increased levels of vibration from construction machinery?			C-ESMP	
Will the project produce air pollution? (e.g. significant greenhouse gas emissions, dust emissions and other sources)			C-ESMP	

Will the activity disturb any fauna and flora?				C-ESMP	
Will the activity result in irrigation water with high TDS with more than 1,500 ppm?				C-ESMP Waste Management Plan	
Can the project affect the surface or groundwater in quantity or quality? (e.g. discharges, leaking, leaching, boreholes, etc.)					
Will the project require use of chemicals? (e.g. fertilizers, pesticides, paints, etc.)					
Is there any risk of accidental spill or leakage of material?					
ESS 4: Community Health and Safety					
Is there a risk of increased GBV/SEA cases due to labor influx?				GBV/SEA Action Plan Labor Management Procedures (LMP)	
Is there a risk of spread of communal diseases due to labor influx?				Labor Management Procedures (LMP) ESMF	
Is there a security risk to the community triggered by project activities?				Security Management Plan (SMP)	
Does the activity have the potential to upset community dynamics?				Stakeholder Engagement Plan (SEP) Grievance Redress Mechanisms (GRM)	
Will the activity include payments or cash transfers?				Stakeholder Engagement Plan (SEP) Grievance Redress Mechanisms (GRM)	
Will the activity expose community members to physical hazards on the project site?				ESMF	
Will the activity pose traffic and road safety hazards?				ESMF	
Is there a possibility that the activity contaminates open wells?				Waste Management Plan ESMF	
Is there a possibility that the activity spreads pathogens and other pollutants (eg latrines)				Waste Management Plan ESMF	
Can the activity contribute to the spread of disease (eg health facilities)?				Waste Management Plan	
ESS 5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement					
Will the project lead to the displacement of a population? (e.g. forceful relocation, relocation of the local community)				See exclusions	
Is the project located in a conflict area, or has the potential to cause social problems and exacerbate conflicts, for instance, related to land tenure and access to resources (e.g. a new road providing unequal access to a disputed land)?				Stakeholder Engagement Plan (SEP) Grievance Redress Mechanisms (GRM)	

Would the project potentially discriminate against women and girls based on gender, especially regarding participation in design and implementation or access to opportunities and benefits?				Stakeholder Engagement Plan (SEP) Grievance Redress Mechanisms (GRM)	
Is there a risk that the activity leads to loss of income, assets or means of livelihoods?				See exclusions Resettlement Policy Framework	
Will the activity lead to disputes over land ownership?				ESMF	
Will the project require land acquisition from individual households?				See exclusions	
Will the project require land acquisition from communities				See exclusions	
Is it anticipated that the land will be provided through voluntary land donation agreements?				Resettlement Policy Framework	
In cases of land donation: is the status of the land clear? Have women been excluded from land ownership? Are backyard gardens of women protected? Is the land subject to conflicts between occupants and returnees?				RPF / VLD	
ESS 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources					
Will the subproject be located in proximity to sensitive environmental ecosystems or habitats?				See negative project list	
Is there a risk that the project causes ecological disturbances?				ESMF	
Is there a risk that the activity causes changes in land form and habitat, habitat fragmentation, blockage or migration routes, water consumption and contamination?				ESMF	
Is there a risk that the activity causes loss of precious ecological assets?				ESMF	
ESS 8: Cultural Heritage					
Will the project be located in or close to a site of natural or cultural value?				Chance Find Procedures (ESMF)	
Is the project site known to have the potential for the presence of cultural and natural heritage remains?					
ESS 10: Stakeholder Engagement and Information Disclosure					
Is there a risk that the activity fails to incorporate measures to allow meaningful, effective and informed consultation of stakeholders, such as community engagement activities?				Stakeholder Engagement Frameworks (SEP)	
Is there a historical exclusion of disabled persons in the area?				Stakeholder Engagement Framework (SEP)	
Is there a lack of social baseline data?				ESMF	
Are women likely to participate in decision-making processes in regards to the activity?				Stakeholder Engagement Framework (SEP)	

Is there a risk that exclusion of beneficiaries leads to grievances?			Stakeholder Engagement Framework (SEP) Grievance Redress Mechanisms (GRM) – see ESMF	
Is there a risk that the activity will have poor access to beneficiaries?			Stakeholder Engagement Framework (SEP) Grievance Redress Mechanisms (GRM) – see ESMF	
Will the Covid-19 outbreak hamper proper stakeholder engagement?			WB and FGS guidance and regulations on Covid-19	

**SOCIAL AND ENVIRONMENTAL SCREENING FORM – ECRP-II AF Flood Risk Mitigation
Subprojects**

Table 11 E&S Screening Form

SECTION A: GENERAL INFORMATION

	Social and Environmental Screening Report – ECRP-II AF Flood Risk Mitigation Subprojects
<p>Projects are screened for their inherent social and environmental risks regardless of planned mitigation and management measures prior to initiation of any physical activities. It is necessary to identify potential inherent risks in the event that mitigation measures are not implemented or fail. This means that risks should be identified as if no mitigation or management measures were to be put in place.</p>	
SECTION A: General Information	
Date of screening	
Subproject title	
Subproject component	
Implementing Agency	
Proposed subproject budget	
Proposed subproject duration	
ES Screening Team Leader and Contact Details	
ES Screening Team Members	
Subproject/Site/Activity location	
Subproject Description. Briefly describe project activities, activities that interact with the ES	

Categorize Subproject Activities into High, Substantial, Moderate or Low, Refer to Project Description and Project Categories	
---	--

Potential Environmental/Social Risks Impacts of Activities					
Risk Category <i>(Please check each line appropriately. At this stage, questions are answered without considering magnitude of impact – only yes, no or I don't know are applicable answers)</i>	Yes	No	I don't know	If these risks ('yes') are present, refer to:	Comments
ESS 1: Assessment and Management of Environmental and Social Risks and Impacts					
Is an Environmental and/or Social Assessment required where project is undertaken?				ESMF	
Is there a risk of lack of monitoring of project activities due to remoteness of location and insecurity?				Security Management Plan (SMP)	
Is there a risk that subprojects may be manipulated by different factions?				Stakeholder Engagement Plan (SEP)	
Is there a risk that the selection of the subproject location will lead to conflict?				Security Management Plan (SMP) Grievance Redress Mechanisms (GRM)	
Does the activity pose a security risk for workers?				Security Management Plan (SMP)	
Is there a risk that the activity firms up contested local authority structures?				Stakeholder Engagement Plan (SEP)	
ESS 2: Labor and Working Conditions					
Does the activity include any of the known labor rights / ESS 2 non-compliance risks in South Sudan (child and forced labor)?				Labor Management Procedures (LMP) Occupational Health and Safety Plan (OHS)	
Will the activity require a larger contractor workforce?				Labor Management Procedures (LMP) Occupational Health and Safety Plan (OHS) C-ESMP	
Is there a security risk for Project Workers?				Security Management Plan (SMP)	
Is there a risk of lacking OHS for workers at the construction site?				Occupational Health and Safety Plan (OHS)	

Is there a risk of delayed payment of workers?				Labor Management Procedures (LMP)	
Is there a risk that workers are underpaid?				Labor Management Procedures (LMP)	
Is there a risk that women will not be included in deployment in equal numbers?				Labor Management Procedures (LMP) GBV Action Plan	
Is there a risk that provision of employment or contracts sparks conflicts?				Security Management Plan (SMP) Grievance Redress Mechanisms (GRM)	
ESS 3: Resource Efficiency and Pollution Prevention Management					
Will the activity result in the production of solid waste? (directly by the project or by workforce)				Waste Management Plan, based on <i>WBG Environmental, Health, and Safety General Guidelines</i> C-ESMP	
Will the activity result in soil erosion?				C-ESMP	
Will the activity result in increased levels of vibration from construction machinery?				C-ESMP	
Will the project produce air pollution? (e.g. significant greenhouse gas emissions, dust emissions and other sources)				C-ESMP	
Will the activity disturb any fauna and flora?				C-ESMP	
Dyke Construction / Rehabilitation: Is the rehabilitation happening on both sides or only on the riparian side?				C-ESMP	
Dyke Construction / Rehabilitation : Any protective drains before the dyke being considered?				C-ESMP	
Dyke Construction / Rehabilitation : Any waste (solid/liquid) generation to be anticipated, for ex. How will the construction spoils be managed, Is there possibility of generation of any other types of waste?				C-ESMP	
ESS 4: Community Health and Safety					
Is there a risk of increased GBV/SEA cases due to labor influx?				GBV/SEA Action Plan Labor Management Procedures (LMP)	

Is there a risk of spread of communal diseases due to labor influx?				Labor Management Procedures (LMP) C-ESMP	
Is there a security risk to the community triggered by project activities?				Security Management Plan (SMP)	
Does the activity have the potential to upset community dynamics?				Stakeholder Engagement Plan (SEP) Grievance Redress Mechanisms (GRM)	
Does the flood risk mitigation subproject provide for its O&M regime to be reviewed by experienced and qualified engineers?				If not, see project exclusions	
Will the O&M regime of the subproject adopt and implement GIIP of dam safety measures?				Of not, see project exclusions	
Dyke Construction/Rehabilitation: Is there an appointed institution to takeover and maintain it continuously?				C-EMSP	
Dyke Construction/Rehabilitation: Does construction of the dyke entail downstream risks on the local community or their properties, for ex. in case of dyke failure?				C-ESMP	
ESS 5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement					
Will the project lead to the displacement of a population? (e.g. forceful relocation, relocation of the local community). Are these displacements significant?				See RPF	
Is the project located in a conflict area, or has the potential to cause social problems and exacerbate conflicts, for instance, related to land tenure and access to resources (e.g. a new road providing unequal access to a disputed land)?				Stakeholder Engagement Plan (SEP) Grievance Redress Mechanisms (GRM)	
Is there a risk that the activity leads to loss of income, assets or means of livelihoods?				See RPF	
Will the activity lead to disputes over land ownership?				ESMF	
Dyke Construction/Rehabilitation : Will there be safe crossing points for the residents?					
Dyke Construction/Rehabilitation : Is there a service road being considered to facilitate continued maintenance of the dyke?					
Dyke Construction/Rehabilitation What is the potential impact of the subproject on individuals land and/or asset?				RPF	

Dyke Construction/Rehabilitation : Has the location of quarry sites, borrow pits, camp sites etc... been identified? Will there be any significant impact on the surrounding landscape area because of the quarry sites, borrow pits, camp sites, etc., for ex. How will the relevant material sites be reinstated following completion of the extraction activities?					
Dyke Construction / Rehabilitation : What about extra meters required as working area (if additional RoW is required) for the equipment on both sides?				C-ESMP	
In cases of land donation: is the status of the land clear? Have women been excluded from land ownership? Are backyard gardens of women protected? Is the land subject to conflicts between occupants and returnees?				RPF	
ESS 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources					
Will the activity impact sensitive environmental habitats				See exclusions	
Is there a risk that the project causes ecological disturbances?				ESMF	
Is there a risk that the activity causes changes in land form and habitat, habitat fragmentation, blockage or migration routes, water consumption and contamination?				ESMF	
Is there a risk that the activity causes loss of precious ecological assets?				ESMF	
Dyke Construction / Rehabilitation : How much volume of water is expected to be reserved by the dyke?					
Dyke Construction / Rehabilitation: What is the environmental setting of the areas to be traversed by the dyke, for ex., swamps, agricultural					
Dyke Construction / Rehabilitation : farms, forests, protected areas, settlements, or any other sensitive environmental elements?					
Dyke Construction / Rehabilitation: How many more feet or meters high from the original dyke level is the new dyke?					
Dyke Construction / Rehabilitation: How many more meters wide?					
ESS 8: Cultural Heritage					
Will the project be located in or close to a site of natural or cultural value?				Chance Find Procedures (ESMF)	
Is the project site known to have the potential for the presence of cultural and natural heritage remains?					

ESS 10: Stakeholder Engagement and Information Disclosure				
Is there a risk that the activity fails to incorporate measures to allow meaningful, effective and informed consultation of stakeholders, such as community engagement activities?				Stakeholder Engagement Frameworks (SEP)
Is there a lack of social baseline data?				ESMF
Are women likely to participate in decision-making processes in regards to the activity?				Stakeholder Engagement Framework (SEP)
Will the Covid-19 outbreak hamper proper stakeholder engagement?				WB and FGS guidance and regulations on Covid-19

SECTION B: SUMMARY OF THE SCREENING PROCESS

E&S Screening	Results and Recommendation		
Screening Results: Summary of Critical Risks and Impacts Identified	Risk/Impact	Individual Risk/ Impact Rating	Mitigation At the end of the screen process, tabulate the mitigation measures in an ESMP Format
	Eg Land Degradation	Low	Rehabilitation of worked out areas.
Is Additional Assessment Necessary?	Screening Result (see Table 7: Sub-Project Risk Level for further details)		Summary of Screening Result Justification
	No further ES Assessment required.		
	No further ES Assessment required but requires simple ESMP.		
	Detailed ESMP and/or RAP or VLD. Done internally.		
	Detailed ESMP and/or RAP. Contracted to Consultancy.		
	ESIA and/ or RAP required. Contracted to consultancy.		
	Yes		

ES Screening Conducted by (Names and Signatures)

Recommended by Project Manager

Approved by PMU

Annex 2: Sample Census Survey and Land Asset Inventory Form

The household-level census identifies and enumerates affected persons, and, with the involvement of affected persons, surveys land, structures and other fixed assets to be affected by the activity, as part of the RAP or LRP. The below forms are samples that can be used in the RAPs and LRPs.

Table 12 Household Survey

Name of Head of Household		
Name of Head of extended Family		
Name of Interviewer		Signature:
Name of Supervisor		Signature:
Date of Interview		
Boma / Payam / County / State		

Annex 3: Outline for RAPs

Table 14 Outline for RAPs

Outline For RAPs		
	Section	Description of Content
1.	Sub-project or activity	Description of the sub-project or activity
2.	Potential Impacts	<p>Description of activities that will cause displacement, including explanation why the selected land must be acquired for use within the timeframe of the activity</p> <p>Description of the zone of impact;</p> <p>Description of the scope of land acquisition and impacts on structures and other fixed assets;</p> <p>Description of any project-imposed restrictions on use of or access to land or natural resources;</p> <p>Listing of alternatives that have been considered to avoid or minimize displacement and why those were rejected;</p> <p>Description of mitigation measures to minimize displacement</p>
1.	Objectives	Description of objectives of RAP
2.	Census / socio-economic survey	<p>Description of characteristics of displaced households, including a description of relation of Head of HH, sex, place of birth, age, marital status, ethnic group, occupation, educational level, income earners, economic activities, number of persons in HH, total land holding, land to be acquired, land use type, existing structure, loss of % in total, loss of assets, loss of crops, other losses,</p> <p>Information on vulnerable groups or persons for whom special provisions may have to be made;</p> <p>Description of public or community infrastructure, property or services that may be affected;</p> <p>Description of design and budget of resettlement activities;</p> <p>In conjunction with establishment of a cut-off date, provide a basis for excluding ineligible people from compensation and resettlement assistance;</p>

		Description of baseline conditions for monitoring and evaluation purposes.
6.	Legal framework	Description of the applicable legal and administrative procedures, including a description of the remedies available to PAPs in the judicial process and the normal timeframe for such procedures, and the available GRM; Description of laws and regulations relating to the agencies responsible for implementing resettlement activities; Analysis of gaps, if any, between laws of the Republic of South Sudan and ESS5, and the mechanisms to bridge them.
7.	Institutional Arrangements	Description of entities responsible for resettlement activities
8.	Eligibility	Provision of definition of displaced persons and criteria for determining eligibility for compensation and other resettlement assistance, including cutoff dates.
9.	Valuation of and compensation for losses	Description of methodology for valuing losses to determine replacement cost; Description of the proposed types and levels of compensation for land, natural resources and other assets under the national law and such supplementary measures as necessary to achieve replacement cost for them.
10.	Community consultations	List involvement of communities in the in the design and implementation of the resettlement activities; Provision of a summary of the views expressed and how these views were taken into account in preparing the resettlement plan; Provision of a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them; and Presentation of arrangements through which displaced people can communicate their concerns to the project, and measures to ensure that vulnerable groups are adequately represented.
11.	Additional Planning requirements	List additional planning requirements where resettlement involves economic displacement Provision of measures relating to livelihood improvement or restoration (establish entitlements of affected persons or communities; pay particular attention to gender aspects and the needs of vulnerable groups) Provision of arrangements to monitor the effectiveness of livelihood measures

12.	Implementation Schedule	Provision of an implementation schedule with dates for displacement, and estimated initiation and completion dates for all resettlement plan activities – and linkages to the overall project.
13.	Costs	Table showing categorized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; Timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement.
14.	GRM	Description of GRM including the availability of judicial recourse and customary dispute settlement mechanisms.
15.	M&E	Description of the monitoring of displacement and resettlement activities by the local authorities, supplemented by Independent Verification Agents (IVA) to ensure complete and objective information; Listing of performance indicators to measure inputs, outputs, and outcomes for resettlement activities; Description of involvement of the displaced persons in the monitoring process; evaluation of results for a reasonable period after all resettlement activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.
16.	Arrangements for adaptive management	Provisions for adapting resettlement implementation in response to unanticipated changes in project conditions, or unanticipated obstacles to achieving satisfactory resettlement outcomes.

Annex 4: Sample Grievance and Resolution Forms

GRM Form

Reference No: _____

Details of Complainant:

Note: you can remain anonymous if you prefer or request not to disclose your identity to the third parties without your

Full name: _____

I wish to raise my grievance anonymously

I request not to disclose my identity without my consent

Contact

By Mail: Please provide mailing address:

Gender of Complainant:

Age of Complainant:

Contact Information

Please tick how you wish to be contacted: - E-mail, Telephone, in Person

By Telephone: _____

By E-mail _____

One time incident/grievance Date ____/____/

Happened more than once (how many times) _____

On-going (currently experiencing problem)

Description of Incident or Grievance:

Location of grievance:

What happened? Where did it happen? Who did it happen to? What is the result of the problem?

What would you like to see happen to resolve the problem?

Grievance Register

The grievance register will contain the following information (ideally in an excel file, or if at local level in a book) :

Table 15 Grievance Register

Type of Information	Response
Complaint/ Log number	
Reference document (s)	
Date complaint made	
Date complaint received	
Category of Grievance	
Method of Logging: Direct Communication; Suggestion Box; Toll-free Line;	
Complaint name (state if anonymous)	
Location in which complained action took place (district, village)	
Caller contacts for follow up	
Gender	
Age	
Parties against whom complaint is made (unit/contractor/agency etc)	
Nature of Complaint ["SEA/GBV"; "Timing of Payment"; "Amount of Payment"; "Inclusion or Issue regarding Project benefits" or create standard categories based on complaint type]	
Description of Complaint	
Nature of feedback (describe)[In case issue type is GBV/SEA immediate referral to the GBV referral system]	
Verification and investigation (describe)	
Recommended action (describe)	
Timeline of Initial feedback (within 5 days) [investigate the claim within 5 working days, and share findings/feedback with relevant stakeholder]	
Status update (and justification if it is not expected to be resolved within the timeframe set out)	
Date resolved	
Indicate if a spot check has been conducted (you can include then in the narrative reports spot checks for resolutions of x number of complaints have been conducted)	

GBV/SEA Case Registration Form

Table 16 GBV/SEA Case Register

GBV/SEA/SH Case Registration Form	
Administrative Information	
	Grievance ID
	Code of Survivor (Employ a coding system to ensure that client names are not easily connected with case information)
	Date of grievance registration
	Date of Incident
	Reported by survivor or an escort of the survivor, in the presence of the survivor
	Reported by someone other than the survivor without survivor present
Survivor Information	
	Gender / age
	Location / Residence
	Current civil/marital status
	Occupation
	Is the survivor a person with mental or physical disabilities?
	Is the survivor an unaccompanied or separated child?
	Was the perpetrator related to the project?
	Has Informed Consent been provided? yes/no?
	Has the case been reported elsewhere (including police / lawyer/health services/psychosocial counseling, other)?
Sub-Section for Child Survivor	
	If the survivor is a child (less than 18 years), does he or she live alone?
	If the survivor lives with someone, what is the relation between her/him and the caretaker? (parent/guardian; relative; spouse; other)
	What is the caretaker's current marital status?
Details of the Incident (in survivor's words)	
	Details of the incident
	Incident location and time
	Were money, goods, benefits and/or services exchanged in relation to the incident?
Alleged Perpetrator Information	
	Number of alleged perpetrators
	Sex of alleged perpetrators
	Age group of alleged perpetrator(s)
	Indicate relationship between perpetrator(s) and survivor
	Main occupation of the alleged perpetrator(s)
	Employer of the alleged perpetrator(s)
Planned Actions / Actions Taken	
	Was the survivor referred by anyone?
	Was the survivor referred to a safe house / shelter?
	Which services does the survivor wish to be referred to? - Psychosocial services

	<ul style="list-style-type: none">- Legal services- Police- Health services- Livelihood program	
	What actions were taken to ensure the survivor's safety?	
	Describe the emotional state of the client at the beginning of the report	
	Other relevant information	

Annex 5: Stakeholder Consultations

Consultations were undertaken specifically in preparation for the ECRP-II:

High-Level Consultations

From November 8-20th, 2021, the World Bank met with representatives from the Ministry of Finance and Planning (MoFP), Local Government Board (LGB), Ministry of Gender, Child and Social Welfare (MGCSW), Ministry of Humanitarian Affairs and Disaster Management (MHADM), Relief and Rehabilitation Commission (RRC), development partners and NGOs engaged in local service delivery, community engagement, local conflict mitigation and disaster risk mitigation (DRM). The team also undertook a field trip to Malakal, Fashoda and Wau, where the team met with Governors, county governments, community members and Internally Displaced Persons (IDPs) along with field visits to ECRP-I sites.

The results of the meetings included agreements on key design elements for the ECRP-II, on the target counties, on the division of labor between the government and IOM, and on the required preparatory works related to procurement, fiduciary, and environmental and social safeguards.

Table 17 List of Persons met

No	Name	Organization	Designation
1	Angelo Deng	MoFP	Undersecretary of Planning
2	Maxwell Loboka	MoFP	Director Aid Coordination
3	Kolong Oliech	MoFP	A/Inspector of Budget
4	Aluei Daniel	MoFP	A/Inspector of Budget
5	Ayuen Peter Mach	MoFP	Sr. Inspector of Budget
6	Sabina Marcello	MoFP	A/Director Budget
7	Simon Ngo	MoFP	Inspector of Budget
8	Bol Yor	MoFP	Deputy Director of Budget
9	Theophilus Addey	MoFP	TA. Planning
10	John Awan	MoFP	Deputy Director
11	Michael Ladu	MoFP	A/Director
12	Chol Beer	MoFP	Deputy Director
13	Aluel Margaret	MoFP	Inspector
14	Gum Majur Anek	MoFP	Deputy Director of Accounts
15	Maker Joseph	MoFP	Inspector of Revenues
16	Taban John Cosmos	MoFP	Sr. Inspector
17	Jackson Wilson Bona	MoFP	A/Director of Account
18	Lwiza Deng	MoFP	Ag. Director Aidco
19	Zendia Michael	MoFP	Accountant
20	Achol Kun	MoFP	Inspector
21	Deng Gatluak	LGB	Deputy Director
22	Elias Asu Kidia	LGB	Director General
23	Augustino Doka	LGB	Deputy Director
24	Malony Akau Nei	LGB	Director General
25	Clement Kamis	LGB	Chairperson
26	Mawar Nyok Lual	RRC	Executive Director
27	Kungcien Akec	RRC	Director
28	Dr. Ayor Mr. Kur	RRC	Director General
29	George Ritti	MLHUD	Director

30	Justine Dabit	MLHUD	Ag. Director General
31	James Alam	MRB	Ag. DG Planning
32	Emmanuel Longo	UNDP	SSE UNDP
33	Piper Janoe	IOM	Project Support Officer
34	Harry Smith	IOM	Program Support Unit Coordinator
35	Gaia Baudino	IOM	Programme Coordinator (ECRP)
36	Asar Ul Haq Muhammad	IOM	S-NFI Programme Coordinator
37	Kristina Uzelac	IOM	DTM Programme Coordinator
38	Mayvelline González	IOM	DTM Officer Information Management
39	Phillip Tangermann	IOM	DTM Reporting Officer
40	Naveed Anjum	IOM	Monitoring and Evaluation Officer
41	Mahmudul Islam	IOM	Consultant
42	Tarnjeet Kang	IOM	Consultant
43	Mark Millar	NRC	Conflict Analyst
44	Daniel Mutinda	IFRC	Senior Officer, Disaster Management
45	Pape Tall	IFRC	Head of Delegation, South Sudan
46	Annette Hearn	OCHA	Deputy Head of Office
47	Kumudu Sanjeewa	OCHA	Information Management Officer
48	Dushyant Mohil	REACH	Senior Assessment Officer
49	Dylan Terry	REACH	Deputy Country Coordinator
50	Jack Philpott	REACH	Geographic Information Systems Manager
51	Emanuel Pamenas	MWRI	Undersecretary
52	Betty Scopas	MHADM	Head of the Early Warning Systems
53	Geraud Poueme	FAO	Remote Sensing and GIS Specialist
54	Patrick Ochaya	FAO	GIS Specialist
55	Leila Shamsaifar	FAO	Natural Resource Management Specialist
56	Lia Pozzi	WFP	Senior Food Security Analyst and Deputy Head of Vulnerability Analysis and Mapping (VAM)
57	Nenad Grkovic	WFP	Head of Logistics
58	William Nall	WFP	DRM Specialist
59	Richard Aludra	Dutch Embassy	Senior Administrative Officer
60	Michiel Smet	Dutch Embassy	First Secretary Food Security, Water, Climate, Energy and Private Sector Development
61	Simeneh Gebetahu	UNHCR	WASH Officer
62	Magok Deggali	UNHCR	Assist F. Officer
63	Maria Kiani	UNHCR	SDO
64	Malar M. Smith	UNHCR	Head Sub-Office
65	Ray Chikwanda	UNHCR	Protection Officer
66	Firas Raad	World Bank	Country Manager
67	Angela Porto	World Bank	Governance Specialist
68	Leah April	World Bank	PFM Specialist
69	Makiko Watanabe	World Bank	Sr. Urban Specialist
70	Droma Bank Dominic	World Bank	Urban Specialist
71	Daniel Balke	World Bank	Strategy & Operations Officer
72	Daniel Domelevo	World Bank	Consultant
73	Paul Francis	World Bank	Consultant
74	Ray Jennings	World Bank	Consultant
75	Lukas Loeschner	World Bank	Diester Risk Mgt Specialist
76	Grace Tabu Felix	World Bank	Program Assistant

77	Stephen Amayo	World Bank	Senior FMS
78	Yalemzewud Tiruneh	World Bank	Social Development Specialist
79	James Maroa	World Bank	Environmental Specialist

Consultations with Refugee and Host Communities

IOM, with assistance from UNHCR and in coordination with the Government, undertook consultations with refugees and host communities in Maban County (Upper Nile State) and Jamjang (Parian County) in November 2021. Consultations included members of the refugee community and host communities, as well as NGOs and CSOs present in the area. In Maban, 11 men and 11 women were interviewed in Piekaji Boma, Jinkuate Payam. In Jinkuata Payam, men and women from the refugee communities were interviewed (Batil Camps).



Figure 1 Consultations in Maban, November 2021

Annex 6: Voluntary Land Donation Form

The following voluntary agreement has been made on..... day of.....
between, resident of(the
Use Right Owner or short Owner) and(the Recipient).

1. That the Owner holds the transferable right of the land/structure/other asset located at or has been identified as a Use Right Owner
2. That the Owner testifies that the land/structure is not subject to other claims.
3. That the Owner hereby grants to the Recipient this asset for the construction and development offor the benefit of the villagers and the public at large.
4. That the Owner has been informed about compensation he/she would be entitled to receive.
5. That the Recipient agrees to accept this grant of asset for the purposes mentioned.
6. That the Recipient shall construct and develop theand take all possible precautions to avoid damage to adjacent land/structure/other assets.
7. That both parties agree that the.....so constructed/developed shall be public premises.
8. That the owner has been fully informed about all project modalities and provides free, prior and informed consent.
9. That the owner has been fully informed about the Project's Grievance Redress Mechanism (GRM) and where to access it.
10. That the title of the transferred land, if applicable, will be transferred to the Project / Government
11. That the provisions of this agreement will come into force from the date of signing of this deed.

Signature of the Owner

Signature of the Recipient

Witnesses:

1. _____

2. _____

(Signature, name and address)